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JULY 1988

URBAN/MUNICIPAL

MINUTES OF THE MEETINGS
OF THE COUNCIL OF
HAMILTON

MEETING OF HAMILTON CITY COUNCIL
TUESDAY, JULY 26, 1988
7:30 O'CLOCK, P.M.

The Council met.

PRESENT: Robert M. Morrow, Esq., Mayor

Aldermen Cooke, Kiss, Agro, McCulloch, Valeriano, Hinkley, Copps, Christopherson, Agostino, Smith, Cowell, Gallagher, Merling, Murray, Ross.

Aldermen Wheeler absent due to bereavement.

His Worship Mayor Robert M. Morrow called the meeting to order.

Monseigneur Harvey Roach, St. Francis Xavier Church, Stoney Creek, Ontario, led the Council in prayer.

PRESENTATIONS.

- (a) Mr. Jim Straiton presented to the City of Hamilton a model, which he constructed, of the Schooner "HAMILTON".
- (b) His Worship Mayor Robert M. Morrow presented:
 - (i) City of Hamilton pins to members of the East Hamilton Crown Life Soccer Team, winners of the U.S. Cup Soccer Tournament, Under 12 Division, held in Blaine, Minnesota.
 - (ii) A special citation to Mr. A. Stokan, an employee of HECFI, who found a valuable gold bracelet and returned it to the owner.

The minutes of the meeting of June 28, 1988, were taken as read and approved.

The following communications were received and forwarded to the appropriate Committee, except as indicated:

1. Application from Lastbram Holdings Limited and Exbram Investments Inc., 250 Merton Street, Suite 402, Toronto, Ontario, for a further modification to the zoning for property located at 841 Upper Wentworth Street, dated July 4, 1988.
2. Application from Dan and Doreen Slavic, 48 Dalhousie Street, Hamilton, Ontario, for a change in zoning, property located at 60 Dalhousie Street, dated July 5, 1988.
3. Application from Patrick and Lynda Vuurman, 21 Undermount Avenue, Hamilton, Ontario, for a change in zoning, property located at 17 Fairmount Avenue, dated July 6, 1988.
4. Application from Wellington Chase Inc., c/o 100 Main Street East, Hamilton, Ontario, for a change in zoning, property located on the east side of Upper Wentworth Street in the area south of Balharbour Drive, dated July 7, 1988.

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5. Application from Mr. and Mrs. L. D'Angelo, 44 Summerlea Drive, Hamilton, Ontario, for a change in zoning, property located at the rear of 635 Limeridge Road East, dated July 7, 1988.
6. Application from Commisso and Pobega Limited, 707 Barton Street East, Hamilton, Ontario, for a modification to the zoning for property located at 1167 Rymal Road, dated July 13, 1988.
7. Application from Commisso and Pobega Limited, 707 Barton Street East, Hamilton, Ontario, for a modification to the zoning for property located at 130 Lansing Drive, dated July 13, 1988.
8. Application from Karen and Frank Murphy, 55 Forestview Drive, Dundas, Ontario, for a change in zoning, property located at 130, 132, 134, 136 Young Street, dated July 13, 1988.
9. Application from Paling Incorporated, 560 Parkdale Ave. North, Hamilton, Ontario, for a modification to the zoning, property located at 1865 Brampton Street, 90 Mead Avenue, and 100 Mead Avenue, dated July 13, 1988.
10. Application from Karen and Frank Murphy, 55 Forestview Drive, Dundas, Ontario, for a change in zoning, property located at 130, 132, 134, 136 Young Street, dated July 14, 1988.
11. Application from Mr. L. W. Bertrand, 1500 Upper Ottawa Street, Mr. R. Gallagher, 1514 Upper Ottawa Street, and Mr. J. Ferguson, 1522 Upper Ottawa Street, for a change in zoning, properties located at 1500, 1514, 1522 Upper Ottawa Street, dated July 18, 1988.
12. Application from 632734 Ontario Inc., o/a Benemar Developments, 158 Hester Street, Hamilton, Ontario, for a modification to the zoning, property located at 105 Aberdeen Avenue, dated July 18, 1988.
13. Application from Red Lobster Canada, 1417 Kennedy Road, Scarborough, Ontario, for a change in zoning, property located at the rear of 1066 Upper James Street, dated July 19, 1988.
14. Application from Irene Lovell, 120 Stone Church Road West, Hamilton, Ontario, for a change in zoning, property located at 120 Stone Church Road West, dated July 21, 1988.
15. Letter from Mr. Leonard C. Metcalfe, Secretary-Treasurer, Hamilton-Wentworth Non-Smokers' Rights Association, P.O. Box 33, Stoney Creek, Ontario, re amendments to "Smoking in the Workplace By-law", dated July 20, 1988.
16. Letter from Mr. G. Lewis, P.O. Box 113, Winona, Ontario, re "Smoking in the Workplace By-law", dated July 26, 1988.
17. Letter from Mr. A. F. Cupido, P. Eng., Superintendent of Plant Operations, The Hamilton-Wentworth Roman Catholic Separate School Board, 90 Mulberry Street, Hamilton, Ontario, re lease of a portion of the Inverness School property, dated July 25, 1988.

18. Letter from The Ontario Cancer Treatment and Research Foundation, Hamilton, Regional Cancer Centre, Henderson Clinic, 711 Concession Street, Hamilton, Ontario, re "Smoking in the Workplace and Public Places".

It was moved by Alderman Smith, seconded by Alderman Cowell, and carried, that Council move into Committee of the Whole to consider the following Reports, with Alderman Christopherson in the chair.

(A) EXECUTIVE COMMITTEE - FIFTEENTH REPORT.

It was moved by Alderman Cowell and seconded by Alderman McCulloch.

RESOLVED: that Sub-Clause (vi) of Subsection (b) of Section 8 be amended by adding the following after the second paragraph:

"In the event that the Purchaser does not comply with or is not in the process of complying with reasonable diligence with its covenants and agreements to develop the site, as set out above in accordance with Site Plan Control, within the required time limits as herein before set out, the Purchaser covenants and agrees that the Purchaser shall, if required by the Vendor, immediately or by a date specified by the Vendor, sell, reconvey or transfer the subject land to The Corporation of the City of Hamilton, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever, for the sale price herein (without interest and without any compensation for any alterations, improvements or installations to, in or upon the subject land) and less the deposit and any arrears of realty taxes (including the local improvement charges) and penalty and interest owing thereon." - CARRIED.

It was moved by Alderman McCulloch and seconded by Alderman Hinkley.

RESOLVED: that the following be added as Section 12.

"12. That City Council endorse the efforts of the HEALTH CARE TECHNOLOGY TASK FORCE whose goals and objectives are to encourage the development of new, and the expansion of existing business enterprises engaged in advanced technology and innovative products and services, with particular emphasis on medically and scientifically related ventures in Greater Hamilton." - CARRIED.

(B) TRANSPORT AND ENVIRONMENT COMMITTEE - ELEVENTH REPORT.

Recorded vote on Section 11.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Valeriano, Hinkley, Christopherson, Agostino, Smith, Cowell, Gallagher, Merling, Murray, Ross. - 15.

NAYS: Alderman Copps. - 1. CARRIED.

Section 23 withdrawn by City Council.

Recorded vote on Section 27.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Valeriano, Hinkley, Christopherson, Agostino, Smith, Cowell, Gallagher, Merling, Murray, Ross. - 15.

NAYS: Alderman Copps. - 1. CARRIED.

The recommendation of the Executive Committee on Section 28 was carried.

The recommendation of the Executive Committee on Section 29 was carried.

Recorded vote on Section 44.

YEAS: Mayor Morrow; Aldermen Kiss, Copps, Christopherson, Agostino, Smith, Merling, Murray, Ross. - 9.

NAYS: Aldermen Cooke, Agro, McCulloch, Valeriano, Hinkley, Cowell, Gallagher. - 7. CARRIED.

Recorded vote on Section 46.

YEAS: Mayor Morrow; Aldermen Agro, Valeriano, Agostino. - 4.

NAYS: Aldermen Cooke, Kiss, McCulloch, Hinkley, Copps, Christopherson, Smith, Cowell, Gallagher, Merling, Murray, Ross. - 12. LOST.

It was moved by Alderman Merling and seconded by Alderman Hinkley.

RESOLVED: that Rule No. 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the establishment of an Outdoor Boulevard Cafe on the road allowance at No. 1 Wilson Street..- CARRIED.

* * * * *

It was moved by Alderman Merling and seconded by Alderman Murray.

RESOLVED: that the following be added as Section 48:

"48. That the application of Mrs. J. Zissopoulos, owner of the Argo Restaurant located at 1 Wilson Street, requesting permission to establish an Outdoor Boulevard Cafe, measuring 3.35m (11.0') by 10.80m (35.43'), on the Hughson Street North road allowance abutting No. 1 Wilson Street be approved, during the pleasure of City Council provided that:

- (a) The owners prepare a Licencing Agreement, satisfactory to the City Solicitor, and the Commissioner of Engineering, to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
- (b) A first year fee of \$676 and subsequent Seasonal Licence (From May 1 to October 31), fee of \$485 'plus any costs that may be assessed or incurred by the Municipality, as a result of the approval granted by this licence' be set for this privilege, which fee shall be due and payable to the Corporation of the City of Hamilton 30 days from the date of this resolution, satisfactory to the City Solicitor.
- (c) The owners may occupy the licenced area of the boulevard from May 1 to October 31, and furniture, equipment, etc., must be removed from the area at all other times.
- (d) The owners provide proof of \$1,000,000. public liability insurance, naming the City of Hamilton as an added insured party, with a provision for cross-liability, and deliver the policy, or a certified copy or certificate thereof to the City Solicitor, and maintain the policy during the currency of the agreement, and deliver annually a renewal certificate of the policy to the City Clerk.

(e) The owners conform, without exception, to the 'Proposed Policy and Procedure Guidelines for Outdoor Boulevard Cafes', as adopted by Council on August 28, 1984; and as amended on July 30, 1985.

(f) This proposal meet with the approval of the Ward Aldermen." - CARRIED.

It was moved by Alderman Agostino and seconded by Alderman Valeriano.

RESOLVED: that Rule No. 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution respecting the relocation of a telephone poll from in front of the driveway of the property at 20 Tracy Place. -

YEAS: Mayor Morrow; Aldermen Kiss, Agro, Valeriano, Copps, Christopherson, Agostino, Smith. - 8.

NAYS: Aldermen Cooke, McCulloch, Hinkley, Cowell, Gallagher, Merling, Murray, Ross. - 8. LOST.

(C) PARKS AND RECREATION COMMITTEE - FIFTEENTH REPORT.

It was moved by Aldermen Gallagher and seconded by Alderman Merling.

RESOLVED: that Subsection (a) of Section 1 be amended by deleting the words "as a Seniors Centre" and inserting in lieu thereof the words "for a number of cultural and recreational uses, one of the possible uses being a Seniors Centre." - CARRIED.

It was moved by Alderman Valeriano and seconded by Alderman McCulloch.

RESOLVED: that Subsection (b) of Section 1 be amended by deleting the section in its entirety, reading as follows:

"(b) That the Finance Committee be requested to recommend the method of financing the amount of \$15,000. for this project.",

and replacing same with the following:

"(b) That the estimated cost of this study, in the amount of \$15,000. be financed

from within the global budget under the jurisdiction of the Parks and Recreation Committee. -

YEAS: Aldermen Cooke, Kiss, Agro, McCulloch, Valeriano, Hinkley, Copps, Christopherson, Smith, Cowell, Ross. - 11.

NAYS: Mayor Morrow; Aldermen Agostino, Gallagher, Merling, Murray. - 5. CARRIED.

It was moved by Alderman Cowell and seconded by Alderman Smith.

RESOLVED: that the following be added as Subsection (c) of Section 1.

"(c) That the appropriate staff be directed to negotiate a one year lease for a portion of Inverness School and temporary senior citizen accommodations, and report back to the Parks and Recreation Committee regarding the feasibility and upset costs. - CARRIED.

Recorded vote on Section 1, as amended:

YEAS: Mayor Morrow; Aldermen Kiss, Agro, McCulloch, Valeriano, Copps, Christopherson, Agostino, Smith, Cowell, Gallagher, Merling, Murray, Ross. - 14.

NAYS: Aldermen Cooke, Hinkley. - 2. CARRIED.

Section 2 was withdrawn by City Council.

The recommendation of the Executive Committee on Section 4 was carried.

Recorded vote on Section 7.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Valeriano, Hinkley, Christopherson, Smith, Gallagher, Ross. - 10.

NAYS: Alderman Copps. - 1. CARRIED.

It was moved by Mayor Morrow and seconded by Alderman Murray.

RESOLVED: that Section 11 be amended by deleting the word "instructed" in the second line and substituting in lieu thereof the word "requested". - CARRIED.

Recorded vote on Section 12.

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, McCulloch, Valeriano, Hinkley, Christopherson, Smith, Cowell, Murray, Ross. - 11.

NAYS: Alderman Copps. - 1. CARRIED.

(D) PLANNING AND DEVELOPMENT COMMITTEE - SIXTEENTH REPORT.

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that Rule No. 8 of Procedural By-law 82-203 be invoked for this meeting of City Council in order to permit consideration of a resolution to redefine the definition of the word "family" in Zoning By-law No. 6593. - CARRIED.

It was moved by Alderman Gallagher and seconded by Alderman Merling.

RESOLVED: that the motion of Alderman Cooke respecting an amendment to the definition of the word "Family" in Zoning By-law No. 6593, be referred to the Planning and Development Committee. -

YEAS: Aldermen Agostino, Gallagher, Merling, Murray. - 4.

NAYS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Valeriano, Hinkley, Copps, Christopherson, Smith, Cowell, Ross. - 12. LOST.

Recorded vote on the previous question which was the resolution of Alderman Cooke regarding the definition of "family". -

YEAS: Aldermen Agro, McCulloch, Valeriano, Hinkley, Copps, Christopherson, Smith, Cowell, Gallagher, Merling, Murray, Ross. - 12.

NAYS: Mayor Morrow; Aldermen Cooke, Kiss, Agostino. - 4. CARRIED.

It was moved by Alderman Cooke and seconded by Alderman Kiss.

RESOLVED: that the following be added as Section 29:

"29. That Zoning By-law No. 6593 be amended to provide for the following definition of 'Family':

'Family Shall Mean:

1. one person with or without the accommodation of not more than three lodgers,
2. any number of persons related to each other by blood, marriage, legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers.
3. any number of persons, two of whom live together in a conjugal relationship outside marriage and either one or both of whom are related to the remainder by blood, marriage, or legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers.
4. five or fewer persons, irrespective of the relationship, if any, between them,

occupying premises and living as a single housekeeping unit;

but does not include a person or group of persons occupying:
5. a residential care facility, a short term care facility, a room or suite in a hotel, hostel, or lodging home, tourist home and any institutional accommodation.

That the City Solicitor be requested to prepare the necessary By-law for submission to the Planning and Development Committee and City Council. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, McCulloch, Valeriano, Copps, Agostino, Murray, Ross. - 10.

NAYS: Aldermen Hinkley, Christopherson, Smith, Cowell, Gallagher, Merling. - 6. CARRIED.

(E) LEGISLATION COMMITTEE - NINTH REPORT.

Recorded vote on Subsection (d) of Section 21.

YEAS: Mayor Morrow; Aldermen Kiss, Agro, Valeriano, Hinkley, Copps, Christopherson, Agostino, Smith, Ross. - 10.

NAYS: Aldermen Gallagher, Merling. - 2. CARRIED.

(F) PERSONNEL COMMITTEE - NINTH REPORT.

(G) FINANCE COMMITTEE - TWELFTH REPORT.

It was moved by Alderman Smith and seconded by Alderman Ross.

RESOLVED: that Alderman D. Agostino be appointed Acting Mayor for the month of August, 1988. - CARRIED.

It was moved by Alderman Smith and seconded by Alderman Cowell.

RESOLVED: that the Report of the Committee of the Whole on the above reports, as amended, and resolutions, be adopted.-

YEAS: Mayor Morrow; Aldermen Kiss, Agro, Valeriano, Hinkley, Copps, Christopherson, Agostino, Smith, Cowell, Gallagher, Ross. - 12.

NAYS: 0. - CARRIED.

It was moved by Alderman Smith and seconded by Alderman Cowell.

RESOLVED: that the following Bills be now read a first time:

A-18,
B-58, B-59, B-60, B-61, B-62, B-63, B-64,
C-2,
D-81, D-82, D-83, D-84, D-85, D-86, D-87, D-88, D-89,
D-90, D-91, D-92,
E-10, E-11, E-12, E-13 - CARRIED.

It was moved by Alderman Smith, seconded by Alderman Cowell, and carried, that Council move into Committee of the Whole (second reading) to consider the following Bills, with Alderman Christopherson in the chair:

A-18,
B-58, B-59, B-60, B-61, B-62, B-63, B-64,
C-2,
D-81, D-82, D-83, D-84, D-85, D-86, D-87, D-88, D-89,
D-90, D-91, D-92,
E-10, E-11, E-12, E-13.

Consideration of the Bills (second reading).

It was moved by Alderman Smith and seconded by Alderman Cowell.

RESOLVED: that the Report of the Committee of the Whole (second reading) on the Bills be adopted. -

YEAS: Mayor Morrow; Aldermen Cooke, Kiss, Agro, Valeriano, Hinkley, Copps, Christopherson, Agostino, Smith, Cowell, Gallagher, Ross. - 13.

NAYS: 0 - CARRIED.

It was moved by Alderman Smith and seconded by Alderman Cowell.

RESOLVED: that the following Bills be now read a third time:

A-18,
B-58, B-59, B-60, B-61, B-62, B-63, B-64,
C-2,
D-81, D-82, D-83, D-84, D-85, D-86, D-87, D-88, D-89,
D-90, D-91, D-92,
E-10, E-11, E-12 - CARRIED.

NOTICES OF MOTION

Alderman Agostino gave notice that he would move the following Notice of Motion at the next regular meeting of City Council.

"RESOLVED: that the City of Hamilton request the Federal Government to enact legislation in order to require Cable Companies to appear before the C.R.T.C. to justify and seek approval for any rate increases exceeding 4%."

Alderman Agro gave notice that he would move the following Notice of Motion at the next regular meeting of City Council:

- "RESOLVED: a) That, in keeping with the strong Committee system, and on the basis that each Ward be represented on all Standing Committees, the Finance Committee assume all of the duties and responsibilities of the Executive Committee.
- b) That the Mayor, by virtue of his office, be Chairman of the Finance Committee.
- c) That the Vice-Chairman of the Finance Committee be appointed by City Council.
- d) That this change be effective December 1988.
- e) That the City of Hamilton Procedural By-law No. 82-203 be amended to reflect this change."

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CITY COUNCIL ADJOURNED AT 12.10 A.M., WEDNESDAY, JULY 27, 1988.

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REPORT OF THE EXECUTIVE COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Executive Committee presents its FIFTEENTH Report for 1988 and respectfully recommends:

1. That the request by the Parks and Recreation Committee for a "Capital Funding Perspective" for the Aquatic Centre Project be referred to the Director of Culture and Recreation and a Committee of the Aquatic Centre Task Force to carry out further studies and investigations relative to the need for such a facility; the location of such a facility; and the overall capital and operating costs, for presentation to the Executive Committee during the processing of the 1989-1993 Capital Budget later in the year, in order to consider this project and its ramifications along with all other capital projects of the City.

NOTE: Since the Aquatic Centre is not in the 1988-1992 Capital Budget, as approved by City Council, the recommendation is to submit it through the 1989-1993 budget process as a first step to allow City Council to judge the merits of the project on a global basis with other capital projects to be considered.

For the information of the members of City Council, the Committee wishes to advise that the Director of Culture and Recreation has forwarded a copy of the Consultants Feasibility Study to the Ministry of Tourism and Recreation for their review and response.

Copies of the Feasibility Study dated April 1988 as prepared by Moffat Kinoshita Associates Inc. along with the "Supplementary Report of the Citizen's Panel" dated May 1988 were previously forwarded to the members of City Council. Additional copies, if required, are available from the Secretary, Executive Committee.

2. (a) That the following Terms of Reference for the Keep Hamilton Clean Citizen's Committee be approved.

In addition to any other duties prescribed by City Council, the duties and responsibility of the Keep Hamilton Clean Citizen's Committee shall be as follows:

- (i) To report and/or recommend to the appropriate Standing Committee(s) of City Council on matters with respect to littering, dumping, defacing property by means of illegal postings, grafitti etc. and generally on keeping Hamilton clean.
- (ii) To report to the Executive Committee on all other matters.
- (iii) The Committee shall be composed of nine citizens appointed by Council on the recommendation of the Executive Committee.

- (iv) The terms of the Committee members shall be staggered such that three citizens are appointed annually.
 - (v) The Committee shall be a policy formulating and deliberating body with authority only to recommend; with the exceptions of specific areas or programs delegated to the Committee or approved by City Council.
 - (iv) The Committee shall elect from within its membership a Chairperson and Vice Chairperson; neither of whom shall serve in this capacity for longer than three consecutive years.
- (b) That the Keep Hamilton Clean Citizen's Committee be the central Committee responsible for organizing and co-ordinating the "Keep Hamilton Clean Day" activities during the first week in May of each year.
3. (a) That the Space Requirements Study for the Concession Street Library at an estimated cost of \$5 600 be financed from the Reserve for Library Capital Projects.
- (b) That the Hamilton Public Library Board be authorized to acquire and hold title to 36 Cliff Avenue at a purchase price of \$95 000 to be funded by the Library Board's Special Gifts Fund.

NOTE: The 1989 portion of the 1988-1992 Capital Budget includes an amount of \$62 000 for renovations to the Concession Street Branch. The opportunity for the Library Board to acquire the property at 36 Cliff Avenue, which is beside the Concession Street Library recently occurred and the Library Board is of the opinion that it should be acquired at this time.

4. (a) That the construction of a finished roadway, curbs and sidewalks on Greenhill Avenue between National Drive and Summercrest Drive be proceeded with at an estimated gross cost of \$860 000 as provided for in the 1988 portion of the 1988-1992 Capital Budget as Project No. 38002.
- (b) That the City Solicitor be authorized to make application to the Ontario Municipal Board for approval of this project at an estimated gross cost of \$860 000, with estimated eligible subsidies of \$220 000, by the issuance of debentures for a period not to exceed 15 years, recoverable from the mill rate levied on all rateable property, and further that application be made to the Regional Municipality of Hamilton-Wentworth to issue debentures in the amount of \$640 000 for a term not to exceed 15 years.
- (c) That the Commissioner of Engineering be authorized and directed to construct these works on behalf of the City of Hamilton, once all the necessary approvals have been received.

NOTE: This Capital Project was approved by the Transport and Environment Committee at its meeting on July 18, 1988. Development is proceeding in this neighbourhood, and it would be prudent to construct this roadway and sidewalks to provide access to and from King Street from this area. A portion of the cost equivalent to the cost of an 8.5m wide roadway, curbs and sidewalks will be recovered through the Subdivision Agreements covering the abutting lands.

5. That the 1988 Appropriation in the 1988-1992 Capital Budget for the "City's share of services in subdivisions" be increased by \$1.5 million from \$1 million to \$2.5 million with the increase being funded from the "Reserve for City's Share of Services in Unsubdivided Lands", Account No. 0280-12.

NOTE: Based on the rate of development which the City has experienced in 1988 and the number of subdivision proposals received, the Department of Engineering analysed the funds available in the Reserve and have determined that a possible \$1.5 million more than the \$1 million budgeted will be necessary.

For the information of the Members of City Council a substantial portion of these funds will be recovered from the eventual sale of "one foot reserves".

6. (a) That the appropriation for the Capital Project - Installation of Standby Pumps for the Ice Making Plant at Copps Coliseum be increased from \$30 000 to \$59 334.
- (b) That the additional estimated cost of \$29,334 required for financing this installation be financed by \$19 539 from the General Construction Account of Copps Coliseum, Account No. 0408-U3253, and \$9 795 from unused funds remaining in the work-in-progress Account No. 0408-U32771 "Standby Pumps Ice Making System".

NOTE: On the recommendation of the HECFI Board and the Executive Committee, City Council at its meeting on April 12, 1988 approved this project at a cost of \$30 000.

The HECFI Board at its meeting on July 15, 1988 approved the additional appropriation and requested the Executive Committee to approve same and recommend the source of funding.

With the completion of this project, Standby/Emergency Pumps will be readily available at Copps Coliseum in the event of temporary power failure.

7. That any surplus from the operation of the Central Utilities Plant (CUP) be credited to a separate reserve account in the name of the CUP to finance capital expenditures provided that the overall annual surplus of the City is sufficient to finance the carry forward surplus (a revenue requirement of the following year). Conversely, any shortfall in the CUP budget at the year-end be financed from the CUP reserve to the extent funds are available.
8. (a) That an Offer to Purchase the property at 18 Main Street East (south-west corner of Main Street East and Hughson Street South) from DeSantis Group Inc. for the sum of \$1 675 000, and executed by Anthony DeSantis, President, on July 6, 1988, be approved and completed. The closing date is December 14, 1988.

NOTE: The property to be sold is composed of all Lot 38 and part of Lot 37, George Hamilton Survey, R.P. 1431, having a frontage along the southern limit of Main Street East of 159.78 feet and along the western limit of Hughson Street South of 137.25 feet and contains 21 656.94 square feet. The property is more particularly described as being Part 2, Plan 62R-9621.

A deposit of \$10 000 in the form of a certified cheque is being held in the Property Department pending approval of this transaction and will be transmitted to the City Treasurer upon acceptance.

- (b) The Offer to Purchase calls for the Purchaser to develop the site in accordance with Schedule "A" attached which can be summarized as follows:

- (i) mixed use development containing 265 000 square feet
- (ii) 1st floor - 9 000 square feet of commercial space with a pedestrian arcade over the sidewalk
- (iii) 5 levels of parking above - 275 spaces
- (iv) 1 floor of office space on 6th level
- (v) 6 floors of courtyard condominium luxury apartment and penthouse units, 64-72 in number
- (vi) 2 floors of underground private parking below grade - 110 spaces for use by apartment and office tenants

The Purchaser covenants and agrees to commence construction on August 30, 1989 and complete the said construction not later than June 30, 1991.

- * In the event that the Purchaser does not comply with or is not in the process of complying with reasonable diligence with its covenants and agreements to develop the site as set out above in accordance with Site Plan Control within the required time limits as herein before set out, the Purchaser covenants and

** this paragraph added during Council*

agrees that the Purchaser shall, if required by the Vendor, immediately or by a date specified by the Vendor, sell, reconvey or transfer the subject land to The Corporation of the City of Hamilton, free and clear of all charges, encumbrances, liens, claims or adverse interests whatsoever, for the sale price herein (without interest and without any compensation for any alterations, improvements or installations to, in or upon the subject land) and less the deposit and any arrears of realty taxes (including the local improvement charges) and penalty and interest owing thereon.

The Purchaser covenants and agrees not to alter the development including maintaining the total parking complement until June 30, 2011 (20 years).

- (c) That the Purchaser be granted permission to enter upon the subject lands prior to the date of closing from time to time as required, upon giving reasonable notice for the purpose of conducting soil tests.
- (d) That the City consent to the Purchaser making an application for Certification of Title or for Land Titles prior to the date of closing.
- (e) That the City authorize the Purchaser to apply, prior to the date of closing, for change(s) to the zoning, should in fact a change(s) prove necessary.

NOTE: It is already a term of the Purchase Agreement that the City may in its discretion approve, amend or decline change(s) to the zoning requested.

PREVIOUSLY FORWARDED TO THE MEMBERS OF CITY COUNCIL WERE COPIES OF A REPORT DATED JULY 7, 1988, FROM THE DIRECTOR OF PROPERTY TO THE EXECUTIVE COMMITTEE, WHICH PROVIDED DETAILED INFORMATION WITH REGARD TO THE FOUR (4) PROPOSALS RECEIVED FOR THIS PARCEL OF LAND.

ADDITIONAL COPIES IF REQUIRED CAN BE OBTAINED FROM THE SECRETARY, EXECUTIVE COMMITTEE OR THE DIRECTOR OF PROPERTY.

- 9. The Executive Committee wishes to advise that Bill Pr 67, an Act respecting the compositions of the Board of Directors of The Hamilton Entertainment and Convention Facilities Inc., receive Royal Assent on May 24, 1988. As a consequence, the City is now in a position to appoint three (3) additional council members to the HECFI Board.

In addition, the Committee wishes to advise of the resignation of Mr. T. Yates from the HECFI Board of Directors effective August 1, 1988.

In view of the limited time remaining in the terms of office, the Executive Committee intends to defer the appointment of new members until December 1988.

For the information of the members of City Council, the Chairman of the HECFI Board has indicated that the Board can continue to function effectively for the remainder of this term on this basis.

10. That a grant of \$15 000 to the Organizing Committee of the Sixth World Conference on Co-operative Education be approved in principle and that the Council for 1989-1991 be requested to include the necessary appropriation in the 1989 Expenditure estimates for the City of Hamilton.

NOTE: This grant is recommended on the understanding that the Regional Municipality of Hamilton-Wentworth will approve a similar grant.

The World Conference on Co-operative Education in the past has been held in London, England, Boston, Melbourne, Edinburgh and Amsterdam.

The organizers anticipate the attendance of approximately 1 000 delegates from 35 or more Countries.

11. That leave be granted to introduce the following Bill:

(a) Bill A-18: A By-law to Confirm the Proceedings of the Council of the Corporation of the City of Hamilton.

- * 12. That City Council endorse the efforts of the HEALTH CARE TECHNOLOGY TASK FORCE whose goals and objectives are to encourage the development of new, and the expansion of existing business enterprises engaged in advanced technology and innovative products and services, with particular emphasis on medically and scientifically related ventures in Greater Hamilton.

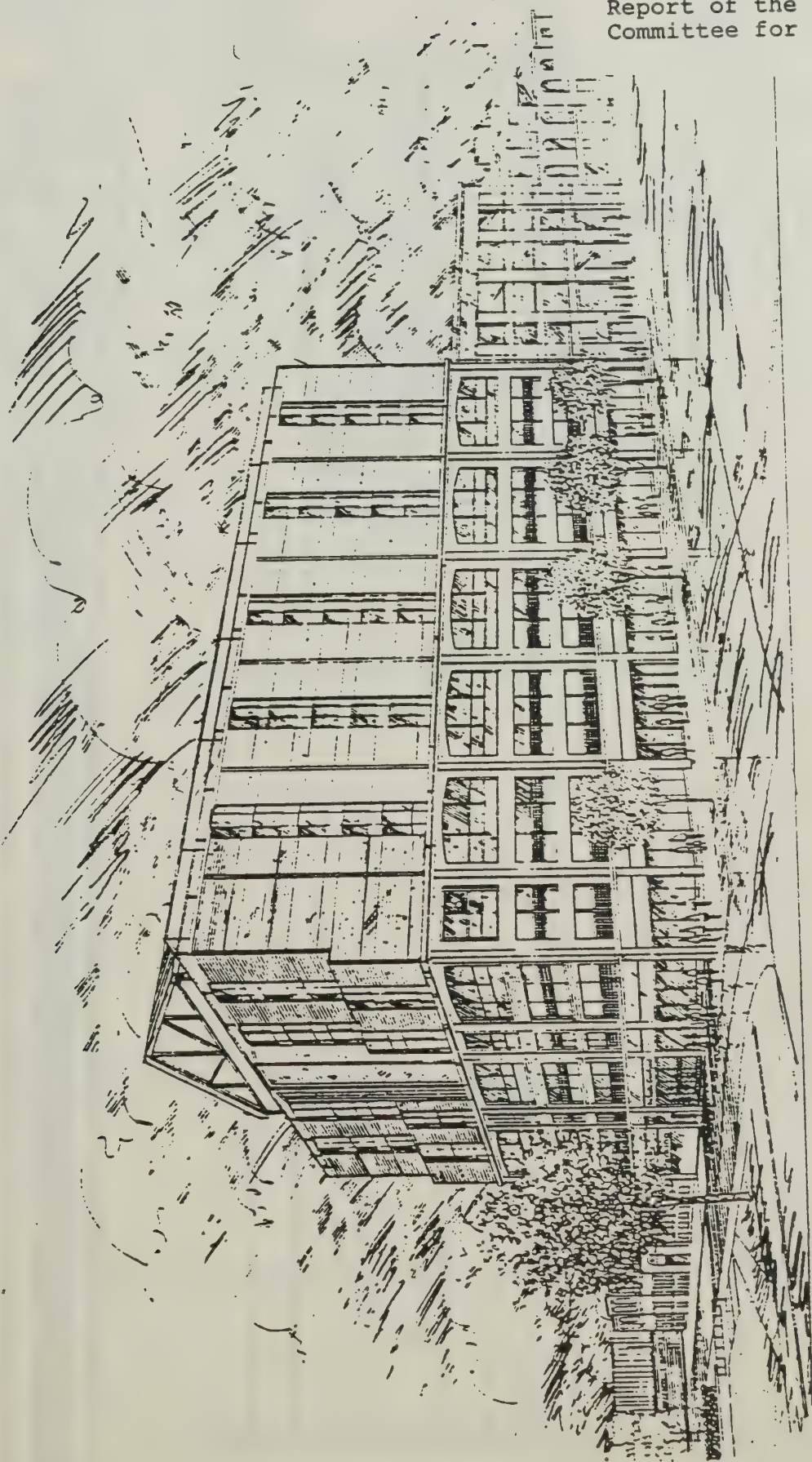
RESPECTFULLY SUBMITTED

MAYOR R. M. MORROW
CHAIRMAN
EXECUTIVE COMMITTEE

J. J. Schatz
Secretary
1988 July 21
/bc

*Section 12 added during Council.

07/26/88
Schedule "A" as referred to
in Section 8 of the FIFTEENTH
Report of the Executive
Committee for 1988.



PROPOSED BUILDING MAIN & HUGHSON

DeSANTIS
COURTYARD

07/26/88

-1003-

Schedule "A" as referred to
in Section 8 of the FIFTEENTH
Report of the Executive
Committee for 1988.

DeSANTIS COURTYAR

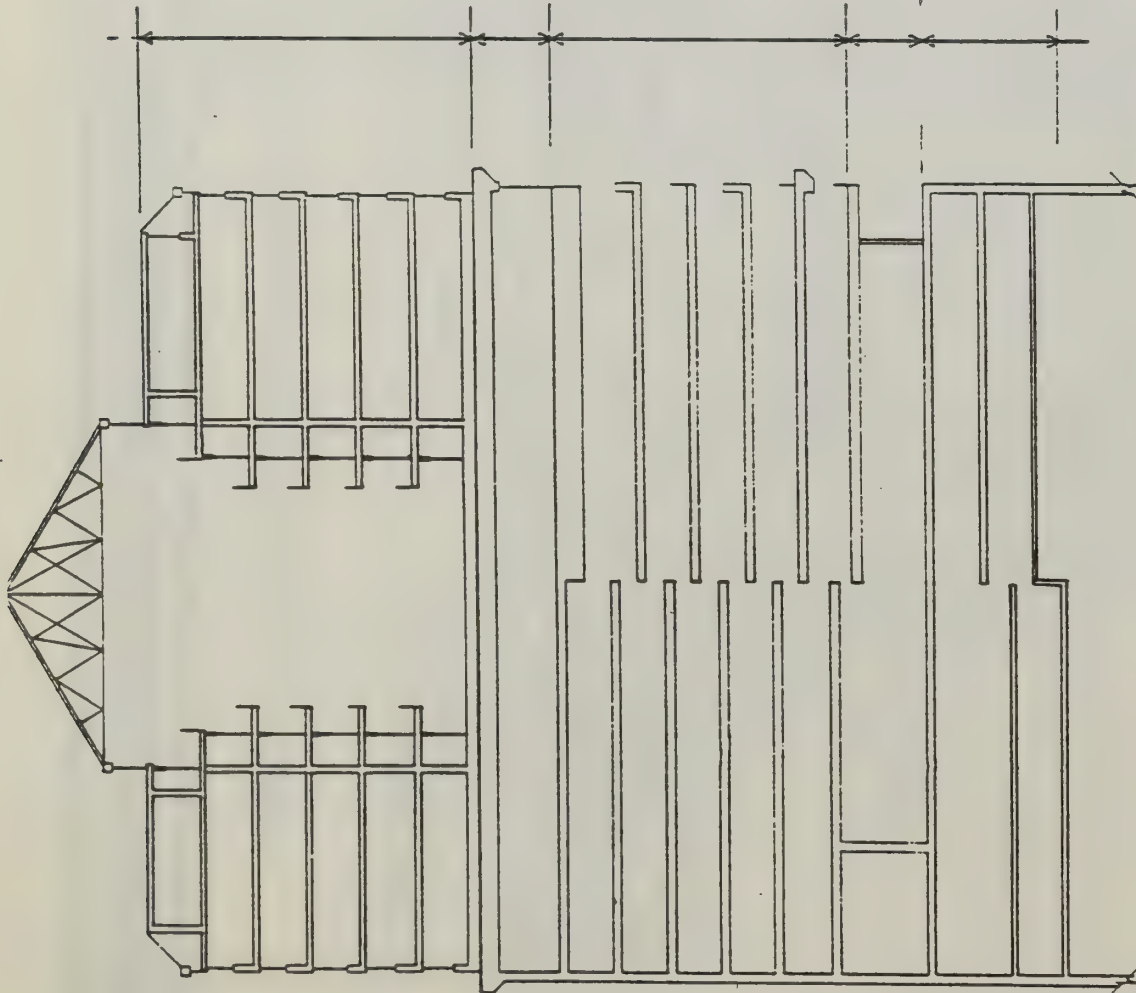
6 FLOOR COURTYARD CONDOMINIUM
64-72 luxury apartments and penthouse units

1 FLOOR OFFICE
16,000 square feet for use by legal profession

5 FLOORS PUBLIC PARKING
275 parking spaces including 100 for hourly and daily use
architecturally designed to complement existing 8 neighbouring
buildings

1 FLOOR COMMERCIAL WITH PEDESTRIAN ARCADE
9000 square feet - restaurant, hair stylist, valet services,
newspaper store, dry cleaners

2 FLOORS UNDERGROUND PRIVATE PARKING
110 parking spaces for use by legal offices and con-
apartments



HUGHSON STREET SOUTH

PART
↓

MAIN STREET EAST

PEDESTRIAN ARCADE

COMMERCIAL | 9000 s.f.

CONDOMINIUM
LOBBY

PARKING & OFFICE
LOBBY

RAMP
DOWN

RAMP
UP

D. SANTIS
DEVELOPMENTS LTD.

REPORT OF THE TRANSPORT AND ENVIRONMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council.

The Transport and Environment Committee presents its ELEVENTH Report for 1988 and respectfully recommends:

1. That the Region and the Chamber of Commerce be requested to join with the City of Hamilton in preparing a submission to representatives of VIA Rail and the Federal Government, relative to the need for increased levels of passenger rail service between Toronto and Niagara Falls and improved passenger rail connections from Toronto to Ottawa/Montreal.

NOTE: Via Rail is committed to presenting, by mid 1989, a global twenty-year plan for the development of passenger rail service in Canada. The Transport and Environment Committee feels that it is critical at this time, to bring to the attention of VIA Rail and the Federal Government the need for improved passenger rail service to and from Hamilton-Wentworth Region.

2. That a purchase order be issued to Rantex Brushes Inc., Barrie in the amount of \$16 291.89 for the supply and delivery of Street Sweeper Broom Stock for the Central Division of the Public Works Department in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: The above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

Lowest of two (2) tenders received. Funds provided in Replacement Materials and Parts Account No. 0348-0267.

3. That the City Solicitor be directed to amend By-law 87-144, Appointing Municipal Weed Inspectors under The Weed Control Act, by consolidating all previous appointments and appointing the following 6 new inspectors:
 - (a) P. Booker
 - (b) D. Cowan
 - (c) P. Christie
 - (d) C. Firth - Eagland
 - (e) D. Pomfret
 - (f) J. Pook

4.
 - (a) That a new position titled "Manager of Central Garage" be approved, then rated to determine the appropriate salary level, and posted internally and advertised outside simultaneously, so that the position can be filled immediately, and
 - (b) That an existing Foreman II's position be reclassified to that of a General Foreman's position, and
 - (c) That the City Treasurer be requested to review the feasibility of incorporating the City's Car Fleet into the Central Garage operations, and
 - (d) That the Fleet Superintendent's position be reclassified as an Equipment Supervisor's position.
5. That the Mayor and City Clerk be authorized to execute a Garbage Collection Agreement between the Corporation of the City of Hamilton and DiCenzo Construction Company Limited for the collection of garbage at 680 Rymal Road East.

NOTE: This Agreement will require the Applicant to indemnify and save the City harmless against any loss, and to purchase and file with the City Clerk an insurance policy to this effect, such policy to be in an amount satisfactory to the City Solicitor. The City's Garbage By-law No. 66-182 provides for such collection.

6. That an Option to Purchase part of the property known as 1274 Upper Wentworth Street executed by Robert S. Shelley, Sandra G. Taylor and Stephen Wm. Shelley, carrying on business as Westmount Homes on July 4, 1988 and scheduled for closing on or before September 19, 1988 be approved and completed.

NOTE: The subject property which is required by the City for roadway purposes is composed as part of Lot 11, Concession 7, formerly in the Township of Barton, now in the City of Hamilton. The subject property contains 443 square metres (4,768.57 square feet) and is shown as Part 2 on attached copy of Plan 62R-5631. The purchase price of \$2 is to be charged to Account No. 0280-02. Consideration in the amount of \$1 has been paid to the owner and pursuant to the agreement forms part of the purchase price.

7. That an Offer to Purchase 324 Magnolia Drive executed by Jack M. Wright and Christine A. Moloci on June 24, 1988 be approved and completed.

NOTE: The property to be sold is composed of Lot 61, Plan M-188 and the western half of Block B, Plan M-178, having frontage along the southerly limits of Magnolia Drive of 12.192 metres (40 feet) by a depth of 45.72 metres (150 feet) containing an area of .054 hectares (.135 acres) and subject to a berm easement in favour of The Regional Municipality of Hamilton-Wentworth across the full width of the southerly 15.24 metres (50 feet), together with all structures erected thereon and known as Municipal No. 324 Magnolia Drive, along with Schedules "A" and "B" which form a part of the Offer to Purchase for the sale price of \$112 100 which is to be credited to Account No. 0408-X95056.

A certified deposit cheque in the amount of \$5 000 is being held by the City Treasurer pending approval of this transaction.

8. That the Option to Purchase the property known as part of 973 Queenston Road, duly executed on June 23, 1988 by the Vendor, The Hamilton Street Railway Company and The Regional Municipality of Hamilton-Wentworth and scheduled for closing on August 18, 1988, be approved and completed.

NOTE: The property is more particularly described as Parts 2, 9, 10 and 11 on Plan 62R-8380. The purchase price of \$1 is to be charged to Account No. 0404-26156.

9. That an Option to Purchase part of 1385 Upper Wentworth Street from the Hamilton-Wentworth Roman Catholic Separate School Board executed on June 28, 1988 and scheduled for closing on or before September 20, 1988 be approved and completed.

NOTE: The subject parcel of land is composed of part of Lot 10, Concession 8, shown as Part 1 on Survey Plan S-6930 prepared by MacKay, MacKay and Peters Limited, having an area of 2,028.85 square metres (21,839 square feet) forming a part of 1385 Upper Wentworth Street for the purchase price of \$32 588, which is to be charged to Account No. 0280-02.

- 10 (a) That in accordance with By-law 66-100, Dofasco Inc. be given an annual overload permit for the year 1988 for one single-unit truck for a total fee of \$1 717.82.
- (b) That this fee of \$1 717.82 be credited to City Account No. 0310-0121.

- * 11. (a) That the local branch of the Ministry of the Environment be informed that the City of Hamilton has no objections to the amendments requested for the Certificate of Approval No. A130119, issued to Metal Recovery Industries Inc., to permit the company to modify the waste tin/lead stripper solution process to recover fluorides as calcium fluoride, provided that the changes are implemented to the satisfaction of the Ministry, and that all applicable City of Hamilton and Regional By-Laws are complied with fully.
- (b) That on the basis that the application is for a minor modification to the existing process, it is felt that a public hearing is not necessary.
12. (a) That the City Solicitor be directed to prepare a By-law for the stopping-up, closing and retaining the portion of Belview Avenue lying north of a line drawn from the south-east corner of Lot 3 to the south-west corner of Lot 30, Registered Plan 419 and Beck Street as established by By-law 2790.
- (b) That the City Solicitor be authorized to make an application to a District Court Judge under Section 82 of The Registry Act R.S.O. 1980 for an order to stop-up, close and retain the following unassumed alleys:
- i. Part of the alley lying immediately west of Lots 1 to 11, inclusive, Registered Plan 419;
 - ii. All of the alley lying immediately north-west of Lots 18 and 19, registered Plan 419;
 - iii. The southerly 0.58m of the alley lying immediately north of the Reserve, Registered Plan 378, being part of the alley immediately west of Lot 18, Registered Plan 378.
- (c) That the City Clerk be directed to publish a notice pursuant to Section 301 of The Municipal Act R.S.O. 1980, of City Council's intention to pass the By-law.
- (d) That the Commissioner of Engineering be authorized to make application to the Regional Municipality of Hamilton-Wentworth, for approval of the proposed closings, pursuant to Section 48 of The Regional Act.
- (e) That the City Solicitor be authorized and directed to prepare the necessary easement agreements required for Union Gas and the Region for their underground utilities on Belview Avenue and Beck Street.

13. That the request of the Hamilton Portuguese Band to temporarily close Sheaffe Street, from Park Street to the east end of Sheaffe Street, from 7:00 p.m. on Saturday, September 3, 1988 to 10:00 p.m. on Sunday, September 4, 1988, be approved subject to the following conditions:
- (a) That the applicant obtain a "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control will be subject to the direction of the Regional Police Department, and at the expense of the organizing group.
 - (b) That clean up will be carried out immediately before the reopening of the road at no cost to the City.
 - (c) That the organizing group provide proof of \$1 000 000 public liability insurance naming the City as an added insured party with a provision for cross liability and holds the City harmless from all actions, interests, claims, demands, costs, damages, expenses and loss.
 - (d) That the organizing group reimburse the Regional Police Department and the Department of Public Works for any extra costs incurred by these agencies.
 - (e) That no homeowner within the barricaded area will be denied access to their residence upon request.
 - (f) That the organizing group ensure that suitable detour arrangements will be available during the duration of the closure.
 - (g) That the applicant deposit a cheque in the amount of \$300 with the Department of Public Works. This deposit is to ensure that the applicant conforms to all of the aforesaid conditions to the satisfaction of the Commissioner of Engineering. The cheque will be returned to the applicant after the event if the above conditions are satisfactorily met.
 - (h) The use of electronic devices, loud speakers, etc., intended for the production, reproduction, or amplification of sound shall not be permitted after 11:00 p.m., pursuant to Noise By-law No. 79-292.

14. That the application of Mr. S. Chisholm, agent on behalf of St. James Baptist Church, to temporarily close Jackson Street between James Street and MacNab Street on Saturday, July 30, 1988 from 10:00 a.m. to 2:00 p.m. to hold a Religious Festival, be approved during the pleasure of Council, provided:
 - (a) That the applicant provide proof of \$1 000 000 public liability insurance, naming the City as an added insured party with a provision for cross liability, and holds the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss;
 - (b) That the applicant reimburse the Regional Police and Department of Public Works for any extra costs incurred by these agencies;
 - (c) That no property owner or resident within the barricaded area will be denied access to their property upon request;
 - (d) That the applicant receive "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control will be subject to the direction of the Regional Police Department, and at the expense of the organizing group; and
 - (e) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the roads, at no cost to the City.

15. That Catharine Street between King Street and Main Street be temporarily closed, from 5:30 p.m. to 8:00 p.m., on Saturday, August 13, 1988, in order that Cycle Hamilton may hold a Bicycle Race in the Gore Park area of downtown Hamilton with approval being subject to the following conditions:
 - (a) That the Applicant obtain "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control, will be subject to the direction of the Regional Police Department, and at the expense of the organizing group.
 - (b) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the road at no cost to the City.

- (c) That the applicant provide proof of \$1 000 000 public liability insurance naming the City as an added insured party with a provision for cross liability, and holds the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - (d) That the applicant deposit a cheque in the amount of \$300 with the Department of Public Works. This deposit is to ensure that the applicant conforms to all of the aforesaid conditions to the satisfaction of the Commissioner of Engineering. The cheque will be returned to the applicant after the event if the above conditions are satisfactorily met.
 - (e) That the applicant will be responsible for placing a suitably sized ad in the local newspaper advising of the event and work with the Hamilton Street Railway to provide a map showing alternative bus routes at the organization's expense.
 - (f) That the applicant reimburse the Regional Police, Department of Public Works, and the Hamilton Street Railway for any extra costs incurred by these agencies.
 - (g) That no property owner or resident within the barricaded area will be denied access to their property upon request.
16. That the following roads be temporarily closed, from 1:30 p.m. to 5:00 p.m., on Sunday, August 14, 1988, in order that Cycle Hamilton may hold a Bicycle Race in the Hess Village area of downtown Hamilton:
- George Street, from Pearl Street to Hess Street, and
 - Hess Street, from Main Street to King Street, and
 - Pearl Street, from King Street to George Street
 - Ray Street, from King Street to George Street

with approval being subject to the following conditions:

- (a) That the Applicant obtain "Temporary Street Closure Application" approval from the Regional Police Department, Traffic Division, and that all barricading, detour signing and traffic control, will be subject to the direction of the Regional Police Department, and at the expense of the organizing group.

- (b) That the applicant ensure that clean-up operations will be carried out immediately before the re-opening of the road at no cost to the City.
 - (c) That the applicant provide proof of \$1 000 000 public liability insurance naming the City as an added insured party with a provision for cross liability, and holds the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
 - (d) That the applicant deposit a cheque in the amount of \$300 with the Department of Public Works. This deposit is to ensure that the applicant conforms to all of the aforesaid conditions to the satisfaction of the Commissioner of Engineering. The cheque will be returned to the applicant after the event if the above conditions are satisfactorily met.
 - (e) That the applicant will be responsible for placing a suitably sized ad in the local newspaper advising of the event and work with the Hamilton Street Railway to provide a map showing alternative bus routes at the organization's expense.
 - (f) That the applicant reimburse the Regional Police, Department of Public Works, and the Hamilton Street Railway for any extra costs incurred by these agencies.
 - (g) That no property owner or resident within the barricaded area will be denied access to their property upon request.
17. That the City Solicitor be authorized and directed to prepare a By-law to Incorporate Block 20, Plan 62M-471 into Quincy Court.
18. (a) That the City Solicitor be authorized and directed to prepare a By-law to incorporate Block 63 (0.305m reserve) Plan 62M-517 and Block 27 (0.305m reserve) Plan 62M-469 into Kordun Street.
- (b) That the City Solicitor be authorized and directed to prepare a By-law to incorporate Block 25, Plan 62M-423, into Templemead Drive.
- (c) That the City Solicitor be authorized and directed to prepare a By-law to incorporate Block 43, Plan 62M-495 into Merilee Crescent.
19. That Item 29 of the 10th Report of the Transport and Environment Committee adopted by Council on 1988 June 28, authorizing permission to retain an encroachment at 32 Murray Street, be rescinded.

20. That the application of Mr. J. Brenzil, agent, on behalf of the present owner of 440 Victoria Avenue North, Alan Candy International, to retain the following inadvertent encroachments consisting of:

- On Ferrie Street
 - 3 story brick building encroaching by 139.79m x 0.51 m
 - existing enclosed gas manifold 3.82 m x 10.82m
 - proposed loading dock enclosure 6.10 m x 3.83 m
- On Emerald Street
 - Concrete entrance way 3.44 m x 3.81 m

be approved during the pleasure of City Council provided:

- (a) That the owner enter into an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses, and loss.
- (b) That a first year fee of \$131.36 and subsequent annual fee of \$105.36 be set for this privilege.
- (c) That the Mayor, City Clerk, and City Treasurer be authorized to sign and execute all necessary documents to implement this agreement.

21. That the application of Mr. R. Charko, Solicitor, on behalf of the present owner(s) of 143 Young Street, Michael Koester and Robert Charko, to retain the inadvertent encroachments consisting of:

- On Young Street - Concrete Porch 0.52m x 5.20m
- On Walnut Street South - Brick Dwelling 0.52m x 8.50m
 - Enclosed Porch 0.37m x 4.47m

be approved during the pleasure of City Council provided:

- (a) That the owner(s) enter into an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses, and loss.
- (b) That a first year fee of \$125 and subsequent annual fee of \$20 be set for this privilege.
- (c) That the Mayor, City Clerk, and City Treasurer be authorized to sign and execute all necessary documents to implement this agreement.

22. That the application of Ms. P. Bertrand, agent on behalf of the present owner of 27 Linwood Avenue, Carmen, Yvonne Pilgrim, to retain the inadvertent encroachment consisting of wooden steps (measuring 0.33 m x 1.22 m), be approved during the pleasure of City Council provided:
- (a) That the owner enter into an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses, and loss.
 - (b) That a first year fee of \$125 and subsequent annual fee of \$20 be set for this privilege.
 - (c) That the Mayor, City Clerk, and City Treasurer be authorized to sign and execute all necessary documents to implement this agreement.
- *23. That the application of Mr. T. Tirone, agent on behalf of the present owner(s) of 167 Hunter Street East, Newview Properties Inc., to retain the inadvertent encroachment consisting of concrete steps (measuring 0.56 m x 1.07 m), be approved during the pleasure of City Council provided:
- (a) That the owner enter into an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses, and loss.
 - (b) That a first year fee of \$125 and subsequent annual fee of \$20 be set for this privilege.
 - (c) That the Mayor, City Clerk, and City Treasurer be authorized to sign and execute all necessary documents to implement this agreement.
24. That the application of Mr. D. Branston, the present owner of 279 Jackson Street West, to retain inadvertent encroachments consisting of an enclosed porch 0.64m x 2.74m and wooden steps 0.55m x 1.70m, be approved during the pleasure of City Council provided:
- (a) That the owner enter into an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses, and loss.

* section 23 withdrawn

- (b) That a first year fee of \$125 and subsequent annual fee of \$20 be set for this privilege.
 - (c) That the Mayor, City Clerk, and City Treasurer be authorized to sign and execute all necessary documents to implement this agreement.
25. That the application of Mr. M. Hinchey, Solicitor, on behalf of the present owner of 554 James Street North, Mr. D. Lemmon, to retain the following inadvertent encroachments consisting of:
- i. On Wood Street - overhead fabric awning 0.41m x 0.76m
 - ii. On James Street North - overhead fabric awning 0.91m x 1.54m
- 3 storey Brick Building and Eaves
0.51m x 9.08m
- be approved during the pleasure of City Council provided:
- (a) That the owner enter into an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses, and loss.
 - (b) That a first year fee of \$132 and subsequent annual fee of \$27 be set for this privilege.
 - (c) That the Mayor, City Clerk, and City Treasurer be authorized to sign and execute all necessary documents to implement this agreement.
26. That the application of Mr. K. Schaible, agent on behalf of the present owner of 364 Main Street West, Schaible Electric Limited, to retain the inadvertent encroachments on the 12 foot alleyway abutting the said property consisting of a metal siding dwelling 1.15m x 11.76m and wooden steps and landing 1.15m x 1.81m, be approved during the pleasure of City Council provided:
- (a) That the owner enter into an agreement satisfactory to the City Solicitor to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses, and loss.
 - (b) That a first year fee of \$125 and subsequent annual fee of \$20 be set for this privilege.
 - (c) That the Mayor, City Clerk, and City Treasurer be authorized to sign and execute all necessary documents to implement this agreement.

- * 27. (a) That the "Designer's Showcase Organization" be permitted to display a promotional banner across Main Street West, in front of City Hall, from May 22, 1989 to May 29, 1989, subject to the policy guidelines and conditions approved by Council on October 29, 1985, September 30, 1986 and January 13, 1987, with the following message:

"Designer's Showcase '89"

- (b) That the "United Way Organization" be permitted to display a promotional banner across Main Street West, in front of City Hall, from September 25, 1989 to October 2, 1989, subject to the policy guidelines and conditions approved by Council on October 29, 1985, September 30, 1986 and January 13, 1987, with the following message:

"Please Support the United Way"

- (c) That the "Canadian Society of Safety Engineers" be permitted to display a promotional banner across Main Street West, in front of City Hall, from May 29, 1989 to June 5, 1989, subject to the policy guidelines and conditions approved by Council on October 29, 1985, September 30, 1986 and January 13, 1987, with the following message:

"Canadian Occupational Health and Safety Week
June 11-17"

- (d) That the "Y.W.C.A." be permitted to display a promotional banner across Main Street West, in front of City Hall, from September 11, 1989 to September 18, 1989, subject to the policy guidelines and conditions approved by Council on October 29, 1985, September 30, 1986 and January 13, 1987, with the following message:

"Y.W.C.A. 100th Anniversary"

- (e) That the "Hamilton Public Library" be permitted to display a promotional banner across Main Street West, in front of City Hall, from October 23, 1989 to October 30, 1989, and from November 6, 1989 to November 13, 1989, subject to the policy guidelines and conditions approved by Council on October 29, 1985, September 30, 1986 and January 13, 1987, with the following message:

"Hamilton Public Library Centennial"
1889-1989"

* recorded vote, see page 987

- (f) That the "World Conference for Co-Op Education" be permitted to display a promotional banner across Main Street West, in front of City Hall, from August 21, 1989 to August 28, 1989, subject to the policy guidelines and conditions approved by Council on October 29, 1985, September 30, 1986 and January 13, 1987, with the following message:

"Hamilton Welcomes World Co-op Delegates"

- (g) That the "McMaster Alumni Organization" be permitted to display a promotional banner across Main Street West, in front of City Hall, from October 9, 1989 to October 16, 1989, subject to the policy guidelines and conditions approved by Council on October 29, 1985, September 30, 1986 and January 13, 1987, with the following message:

"Welcome McMaster Alumni"

28. (a) That the submitted schedules for the estimated cost of services in "APPLERIDGE ESTATES", as approved by the Commissioner of Engineering, be adopted for inclusion in the proposed Subdivision Agreement;
- (b) That the approval of the above clause be subject to the condition that no work be commenced until the Final Survey Plan and the Subdivision Agreement have been registered;
- (c) That in the event the Subdivider wishes to proceed prior to the registration of the Final Plan of subdivision, he should be permitted to do so at his own risk, provided that he enters into a Standard Agreement for Pre-Servicing; and
- (d) That the City's Share of the cost of services for the development (\$818) be approved and that the Executive Committee recommend the source of funding for this project.

THE EXECUTIVE COMMITTEE RECOMMENDS THAT THE
CITY'S COST OF SERVICES IN THE AMOUNT OF \$818
BE FINANCED FROM THE RESERVE FOR CITY'S SHARE
OF SERVICES THROUGH UNSUBDIVIDED LAND, ACCOUNT
NO. 0280-12. *carried*

29. (a) That the submitted schedules for the estimated cost of services in "Wellington Chase - Phase 2", as approved by the Commissioner of Engineering, be adopted for inclusion in the proposed Subdivision Agreement;
- (b) That the approval of the above clause be subject to the condition that no work be commenced until the Final Survey Plan and the Subdivision Agreement have been registered;
- (c) That in the event the Subdivider wishes to proceed prior to the registration of the Final Plan of subdivision, he should be permitted to do so at his own risk, provided that he enters into a Standard Agreement for Pre-Servicing; and
- (d) That the City's Share of the cost of services for the development (\$34 920.68) be approved and that the Executive Committee recommend the source of funding for this project.

THE EXECUTIVE COMMITTEE RECOMMENDS THAT THE
CITY'S COST OF SERVICES IN THE AMOUNT OF
\$34 920.68 BE FINANCED FROM THE RESERVE FOR
CITY'S SHARE OF SERVICES THROUGH UNSUBDIVIDED
LAND, ACCOUNT NO. 0280-12. *carried*

30. (a) That a three-way stop control be implemented at the intersection of Park Plaza Drive and Parkwood Crescent.
- (b) That a three-way stop control be implemented at the intersection of Summer Place and Gatineau Drive.
- (c) That westbound traffic on Swallow Crescent be required to stop for northbound and southbound traffic on Bluebird Avenue; and
- (d) That eastbound traffic on Swallow Crescent be required to stop for northbound and southbound traffic on Meadowlark Drive; and
- (e) That southbound traffic on Redwing Road be required to stop for eastbound and westbound traffic on Swallow Crescent; and
- (f) That northbound traffic on Gurnett Gate be required to stop for eastbound and westbound traffic on Gurnett Drive; and
- (g) That westbound traffic on Cambridge Avenue be required to stop for northbound and southbound traffic on Frederick Avenue; and
- (h) That a four-way stop control be implemented at the intersection of West 3rd Street and McElroy Road; and
- (i) That City Traffic By-law 66-100 be amended accordingly.

31. That the application by Mira Realty Ltd. to lease a portion of the boulevard of Rosewood Road adjacent to No. 256 Rosewood Road be approved, provided that:
- (a) The applicant pays the annual fee in accordance with the fee structure approved by the City Council on 1986 March 25 (current rate is \$50 per year) plus taxes, if any, in addition to the \$10 encroachment insurance charge approved by the City Council on 1984 February 14.
 - (b) The owner pays a one time \$25 registration fee, as approved by the City Council on 1986 January 14.
 - (c) The owner pays a one time \$150 processing fee, as approved by the City Council on 1988 January 12.
 - (d) The owner complies with the requirements as set out in the policy approved by the City Council on 1975 June 24, respecting using a portion of the road allowance for parking purposes.
 - (e) The parking area be constructed and maintained at the owner's expense.
 - (f) The owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses, and loss.
32. That the application by Linrold Enterprises to lease a portion of the Boulevard of East 28th Street adjacent to Nos. 667-675 Fennell Avenue East be approved, provided that:
- (a) The applicant pays the annual fee in accordance with the fee structure approved by the City Council on 1986 March 25 (current rate is \$100 per year) plus taxes, if any, in addition to the \$10 encroachment insurance charge approved by the City Council on 1984 February 14.
 - (b) The owner pays a one time \$25 registration fee, as approved by the City Council on 1986 January 14.
 - (c) The owner pays a one time \$150 processing fee, as approved by the City Council on 1988 January 12.
 - (d) The owner complies with the requirements as set out in the policy approved by the City Council on 1975 June 24, respecting using a portion of the road allowance for parking purposes.

- (e) The parking area and other structures, as approved by the Director of Traffic Services, be constructed and maintained at the owner's expense.
 - (f) The owner executes an agreement satisfactory to the City Solicitor, to indemnify and save the City harmless from all actions, causes of action, interest, claims, demands, costs, damages, expenses, and loss.
33. That, in accordance with the recommendation of the Hamilton-Wentworth Regional Police Department, the school traffic officer at the intersection of Franklin Road and East 27th Street be retained on a permanent basis.
34. (a) That, in accordance with the recommendation of the Hamilton-Wentworth Regional Police Department, a School Traffic Officer be assigned to the intersection of Kenilworth Avenue South and Central Avenue for the morning and evening crossing periods only; and
- (b) That the Finance Committee be requested to recommend the method of financing \$1 910, to cover the cost of assigning a School Traffic Officer to the intersection of Kenilworth Avenue South and Central Avenue for the remainder of 1988.
35. (a) That, in accordance with the recommendation of the Hamilton-Wentworth Regional Police Department, a school traffic officer be assigned to Albright Road immediately east of Nicklaus Drive in front of the walkway to Elizabeth Bagshaw School; and
- (b) That the Finance Committee be requested to recommend a method of financing \$2 628 to cover the cost of assigning a school traffic officer to this location for the remainder of 1988.
- (c) That a three-way stop control be implemented at the intersection of Nicklaus Drive and Albright Road.
- (d) That City Traffic By-law 66-100 be amended accordingly.
36. (a) That a "Two Hour Parking Time Limit, 8:00 a.m. to 5:00 p.m., Monday to Friday" regulation be implemented on the south side of Duke Street between Hess Street South and Queen Street South; and
- (b) That unrestricted parking be permitted on the west side of the westerly branch of Birch Avenue from a point 290 feet south of Barton Street East to the southerly end of the street; and

- (c) That, in combination with the existing "Alternate Side Parking" regulation, a "One Hour Parking Time Limit" regulation be implemented on both sides of East 34th Street between Concession Street and Crockett Street; and
- (d) That an "Alternate Side Parking" regulation be implemented on Golfwood Drive between Guildwood Drive and Greencedar Drive such that parking is prohibited
 - i. on the east and south sides of the street during the months of December, January, February and March and from the first to the 15th of April, May, June, July, August, September, October and November; and
 - ii. on the west and north sides of the Street from the 16th to the last day of April, May, June, July, August, September, October and November; and
- (e) That unrestricted parking be permitted on the south side and a full-time parking prohibition be implemented on the north side of Cambridge Avenue between Kenilworth Avenue North and Frederick Street, in place of the existing "Alternate Side Parking" regulation; and
- (f) That the two one-hour parking meters on the north side of Cambridge Avenue and west of Kenilworth Avenue be relocated to the south side.
- (g) That a "One Hour Parking Time Limit, Monday to Saturday" regulation be implemented on Burton Street between Emerald Street and Victoria Avenue in the combination with the existing "Alternate Side Parking" regulation; and
- (h) That "One Hour Parking Time Limit, 8:00 a.m. to 6:00 p.m., Monday to Friday" regulation be implemented on the east side of St. Andrews Drive between the north leg of St. Andrews Drive and Jennifer Court; and
- (i) That the existing "No Parking, 7:00 a.m. to 6:00 p.m., Monday to Saturday" regulation on the west side of Sanford Avenue North between Myler Street and a point 125 feet southerly therefrom be rescinded to allow unrestricted parking in this area; and
- (j) That City Traffic By-law 66-100 be amended accordingly.

37. (a) That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to each of the first two applicants residing in the apartment building at No. 178 MacNab Street South.
- (b) That the Director of Traffic Services be authorized to issue, upon request, one time limit exemption permit to each of the first 6 applicants residing in the apartment building at No. 76 Aikman Avenue.
38. (a) That parking be prohibited on the north side of Jackson Street East between Ferguson Avenue South and a point 126 feet westerly therefrom; and
- (b) That City Traffic By-law 66-100 be amended accordingly.
39. (a) That in combination with the existing "Alternate Side Parking" regulation, a "Permit Parking" regulation be implemented on the west side of Lincoln Street commencing 54 feet north of Gordon Street and extending to a point 24 feet northerly therefrom, and on the east side of Lincoln Street commencing 53 feet north of the north curb line of Gordon Street and extending to a point 20 feet northerly therefrom; and
- (b) That the Director of Traffic Services be authorized to issue one parking permit to Miss C. Penner, 25 Lincoln Street; and
- (c) That City Traffic By-law 66-100 be amended accordingly.
40. (a) That a "No Left Turn, 3:00 p.m. to 6:00 p.m., Monday to Friday" restriction be implemented for eastbound traffic on Inverness Avenue at Highcliffe Avenue; and
- (b) That City Traffic By-law 66-100 be amended accordingly.
41. (a) That a parking prohibition be implemented on the south side of Bruce Dale Avenue East between East 13th Street at a point 76 feet westerly therefrom; and
- (b) That City Traffic By-law 66-100 be amended accordingly.

42. (a) That School Traffic Officers be assigned to the intersections of Fennell Avenue and Clarendon Avenue/East 5th Street, and Bruce Dale Avenue and East 5th Street at this time.
- (b) That the Finance Committee be requested to recommend the source and method of financing the approximate cost of \$2 628 for each of these two locations, for the remainder of 1988.
43. (a) That on a six month trial basis, parking on Charlton Avenue West be staggered from one side of Charlton to the other between Locke and Dundurn Streets; and
- (b) That the Hamilton-Wentworth Regional Police be requested to step up enforcement of speeding violations in this area.
- *44. (a) That a School Traffic Officer be assigned to the intersection of Southbend Road and West 5th Street.
- (b) That the Finance Committee be requested to recommend the source and method of financing the approximate cost of \$2 628 for the remainder of 1988.
45. (a) That the recently installed corner clearances on Balmoral Avenue, north and south of Campbell Avenue, be rescinded.
- (b) That a four-way stop control be implemented at the intersection of Balmoral Avenue North and Campbell Avenue.
- (c) That City Traffic By-law 66-100 be amended accordingly.
- **46. That a request by the owner of 163 Montmorency Drive, Mr. John Bourdon, to have the City waive a snow removal charge in the amount of \$226, which was added to his tax bill for snow removal done by the City in 1987, be approved.
47. That leave be granted to introduce the following bills:
- (a) B-58 By-law to close a portion of the unopened road allowance of Ferguson Avenue from the C.N.R. right of way 24.4m southerly being Part 1, on Plan 62R-9175.
- (b) B-59 By-law to close a triangular parcel of road allowance abutting 24 Ravenscliffe Avenue being Part 1, on Plan 62R-8133.

* recorded vote, see page 987

** section 46 lost, recorded vote, see page 987

- (c) B-60 By-law to close and sell ten foot (10') public walkway in Gilkson Neighbourhood from Cranbrook Drive to Greyfriar Drive, Plan M-66.
- (d) B-61 By-law respecting the construction of local improvements of an independent concrete sidewalk on the north side of Barton Street from Kenilworth Avenue to approximately 755m westerly.
- (e) B-62 By-law respecting Municipal Weed Inspectors.
- (f) B-63 By-law to Amend By-law 66-100 to Regulate Traffic.
- (g) B-64 By-law to Amend By-law 66-100 to Regulate Traffic.

* 48. That the application of Mrs. J. Zissopoulos, owner of the Argo Restaurant located at 1 Wilson Street, requesting permission to establish an Outdoor Boulevard Cafe measuring 3.35m (11.0') by 10.80m (35.43'), on the Hughson Street North road allowance abutting No. 1 Wilson Street be approved, during the pleasure of City Council provided that:

- (a) The owner's prepare a Licencing Agreement, satisfactory to the City Solicitor, and the Commissioner of Engineering, to indemnify and save the City harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.
- (b) A first year fee of \$676 and subsequent Seasonal Licence (From May 1 to October 31), fee of \$485 "plus any costs that may be assessed or incurred by the Municipality, as a result of the approval granted by this licence" be set for this privilege, which fee shall be due and payable to the Corporation of the City of Hamilton, 30 days from the date of this resolution, satisfactory to the City Solicitor.
- (c) The owners may occupy the licenced area of the boulevard from May 1 to October 31, and furniture, equipment, etc., must be removed from the area at all other times.
- (d) The owners provide proof of \$1 000 000 public liability insurance, naming the City of Hamilton as an added insured party, with a provision for cross-liability, and deliver the policy, or a certified copy or certificate thereof to the City Solicitor, and maintain the policy during the currency of the agreement, and deliver annually a renewal certificate of the policy to the City Clerk.

* section 48 added during Council

- (e) The owners conform without exception, to the "Proposed Policy and Procedure Guidelines for Outdoor Boulevard Cafes" as adopted by Council on August 28, 1984; and as amended on July 30, 1985.
- (f) This proposal meet with the approval of the Ward Aldermen.

RESPECTFULLY SUBMITTED,

R. C. Prowse,
Secretary

ALDERMAN H. MERLING, CHAIRMAN
TRANSPORT AND ENVIRONMENT COMMITTEE

1988 July 18

REPORT OF THE PARKS AND RECREATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council.

The Parks and Recreation Committee presents its FIFTEENTH Report for 1988 and respectfully recommends:

- * 1. (a) That approval be given to conduct a study on the feasibility of using the Inverness School Site as a Seniors Centre at a cost not to exceed \$15 000.

(b) That the Finance Committee be requested to recommend the method of financing the amount of \$15 000 for this project.

- ** 2. That a purchase order be issued to W. H. Reynolds (Cambridge) Ltd., Cambridge, in the amount of \$19 656 to supply and install Bleachers for Disabled, Ivor Wynne Stadium for the Parks Division of the Public Works Department, in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation.

NOTE: The above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O and that any action taken under this provision to be reported to the next regular meeting of City Council".

Only quotation received. Funds provided in Stadium Improvements Account No. 0364-9823.

- 3. That a purchase order be issued to Robert Slessor Pontiac Buick Inc., Grimsby in the amount of \$15 152.26 for the supply and delivery of one (1) Cargo Van for the Culture and Recreation Department in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

NOTE: The above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the Chief Administrative Officer and that any action taken under this provision to be reported to the next regular meeting of City Council".

Lowest of two (2) tenders received. Funds provided in Automotive Equipment Account No. 0367-0175.

* section 1 amended, see page 989

** section 2 withdrawn

4. (a) That Robinson Homes Ltd. be paid the sum of \$48 579.34 as full market value compensation for their remaining parkland credit balance of 2 808.58 square metres (0.694 acres), in connection with the development of Park Plaza Estates (Phase 1, 2, and 3) and Park Plaza Additions Plans of Subdivision.
- (b) That the Executive Committee recommend the method of financing this purchase.

THE EXECUTIVE COMMITTEE RECOMMENDS THAT PAYMENT TO ROBINSON HOMES LTD. FOR LANDS IN EXCESS OF THE STATUTORY 5% PARKLAND DEDICATION REQUIREMENTS, BE CHARGED TO THE "RESERVE FOR ACQUISITION OF LAND UNDER THE PLANNING ACT", ACCOUNT NO. 0280-11. *carried*

5. (a) That the Parks and Recreation Committee approve the purchase of Landscape Architectural Services for the purpose of completing concept proposals for the Sam Lawrence Park Redevelopment Project, for a public meeting in October 1988.
- (b) That the services of Mrs. Jo-Anne McDermott, Landscape Architect, be purchased on a part-time basis; eight hours per day, three days per week for eleven weeks at a cost of \$15 per hour.
- (c) *That the cost of these services be charged to Account No. 0364-51-01 (Survey and Drafting Re-development, Salaries, Wages & Benefits).*
6. That the descriptions and/or plans for 1988 Park Development Projects - Mahoney Park Parking, Cochrane and Lawrence Landscaping, attached hereto as Appendix "A", be approved for construction.
- *7. (a) That permission be granted to Bell Canada to install an Outside Plant Interface Box at the south end of Central Park just west of the parking area which is located on a portion of the former Caroline Street.
- (b) That an agreement, satisfactory to the Director of Public Works and the City Solicitor be entered into between the City of Hamilton and Bell Canada with respect to the installation.
- (c) That the actual location of the installation within the park be satisfactory to the Director of Public Works and as shown on the plan attached hereto as Appendix "B", with the structure to be in accordance with the plan and accompanying photographs.
8. (a) That the Parks and Recreation Committee approve the installation of a 16' x 16' concrete structure in Gilkson Park by the Gilkson Community Council, including a 100 amp electrical service at a total cost of \$13 500.

- (b) *That the City funding of \$9 000 be transferred from Account No. 0364-9819 (work done for others - contractual services).*

NOTE: The structure costing \$9 000 to be cost shared between the Community Council and the City at \$4 500 each. The City will also supply the stone base for the structure and a 100 amp electrical service, estimated at \$4 500.

9. That permission be granted to the Christian Heritage Party of Canada to barbecue at Mountain Brow Park in conjunction with their rally to be held on Friday, August 5, 1988.

Note: Approval is required pursuant to Parks By-law 77-221.

10. That approval be given to the Walt Disney Company to inflate, tether and launch the Mickey Mouse Hot Air Balloon, known as "Ear Force One" in/from Scott Park*, on Friday, August 5, 1988, for up to two flights and two tetherings (inflations without flights) commencing at 6:30 a.m. in conjunction with the North American tour to commemorate Mickey's 60th Birthday, subject to the following terms and conditions:

- (a) Submission by the Company to the City on or before 1988 July 29th of proof of \$2 million liability insurance naming the City as added insured for the event.
- (b) The pilot/flight crew is to be responsible for obtaining any approvals from Transport Canada (Air Traffic) for the event and for maintaining any communications necessary with the Mount Hope Airport control tower during the event.
- (c) The Company is to be responsible for safety precautions and crowd control around the tethering and launching area.

*Note: A more central location such as Sir John A. MacDonald Secondary School may be sought for one of the tetherings. An additional tethering may occur in Ivor Wynne Stadium in conjunction with the Tiger Cat game scheduled for that evening.

- *11. That the Chief of Police and the Chief Administrative Officer for the City of Hamilton be instructed to direct their respective staffs to enforce the City of Hamilton By-law 87-244 which prohibits the feeding of pigeons in Gore Park.

* section 11 amended to read:

That the Chief of Police and the Chief Administrative Officer for the City of Hamilton be requested to direct their respective staffs to enforce the City of Hamilton By-law 87-244 which prohibits the feeding of pigeons in Gore Park.

**** 12.** That leave be granted to introduce the following bill:

- (a) Bill C-2 : By-law respecting the proposed expropriation of 117 West Avenue South, 123 West Avenue South, 32 Stinson Street and 141 Walnut Street South.

RESPECTFULLY SUBMITTED

ALDERMAN T. MURRAY
CHAIRMAN
PARKS AND RECREATION COMMITTEE

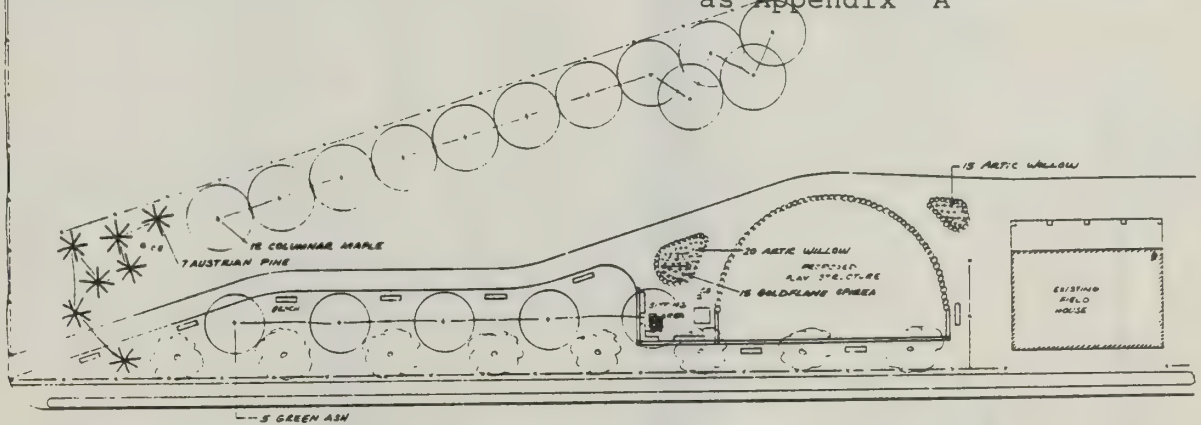
R. C. Prowse
Secretary
1988 July 19
/bc

*** section 1 amended to read:**

- (a) *That approval be given to conduct a study on the feasibility of using the Inverness School Site for a number of cultural and recreational uses, one of the possible uses being a Seniors Centre at a cost not to exceed \$15 000.*
- (b) *That the estimated cost of this study in the amount of \$15 000 be financed from within the global budget under the jurisdiction of the Parks and Recreation Committee.*
- (c) *That the appropriate staff be directed to negotiate a one year lease for a portion of Inverness School and temporary senior citizens accomodation and report back to the Parks and Recreation Committee regarding the feasibility and upset costs.*

**** recorded vote, see page**

Referred to in Section 6 of the
FIFTEENTH Report for 1988 of the
Parks and Recreation Committee
as ~~Appendix~~ "A"



3:4.6 1.20
48.36.7 46467 29 1985

BARTON

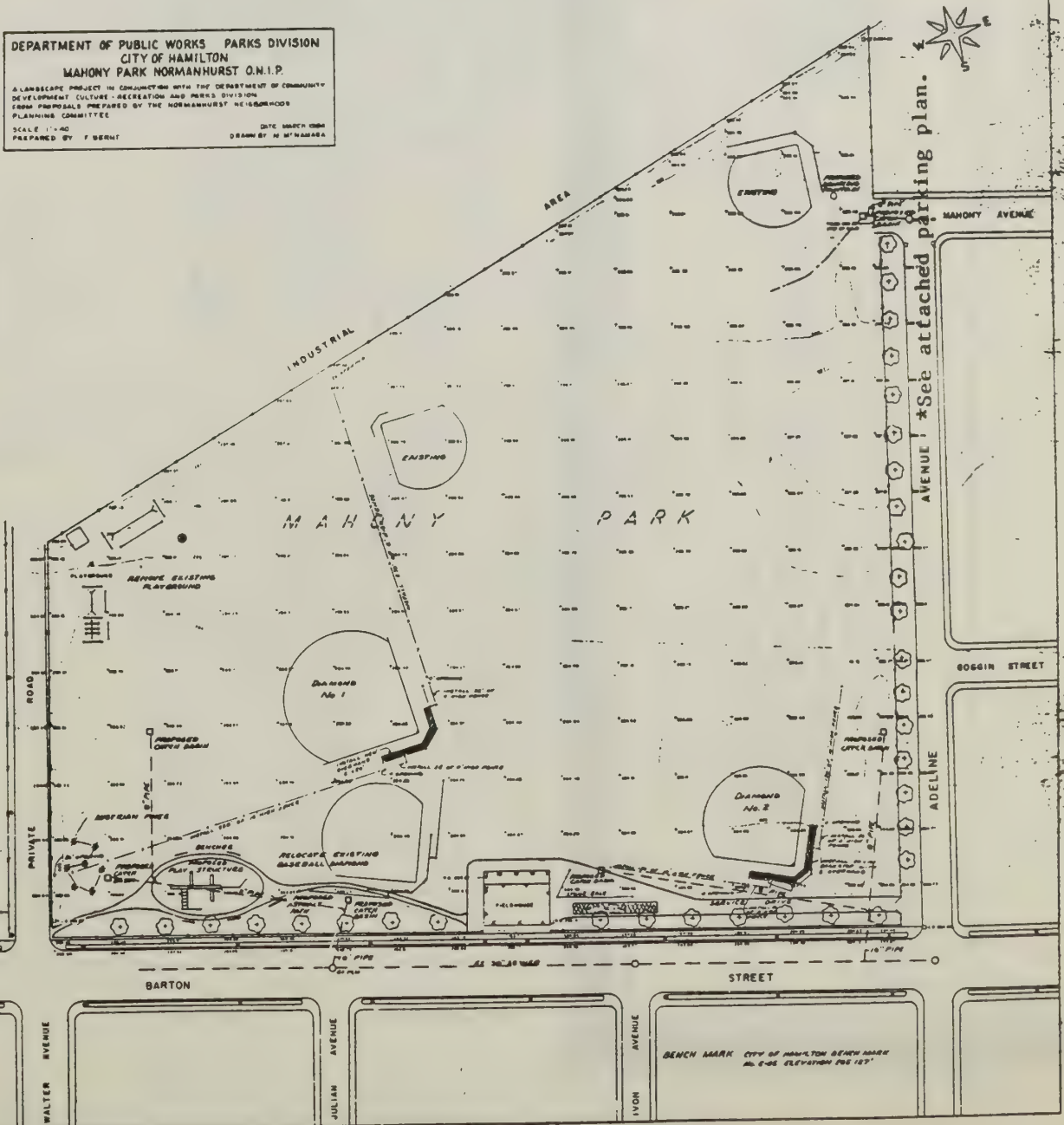
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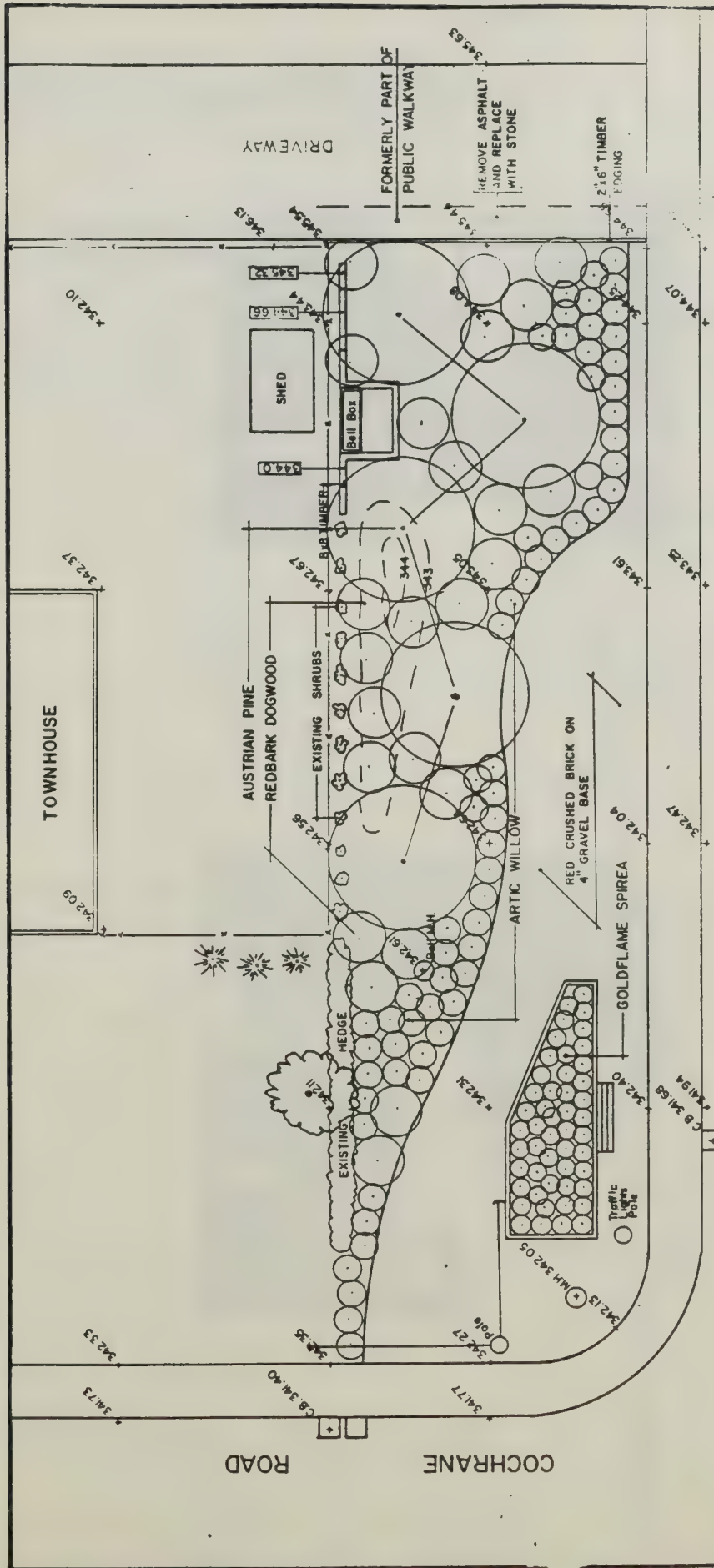
DEPARTMENT OF PUBLIC WORKS PARKS DIVISION
CITY OF HAMILTON
MAHONY PARK NORMANHURST O.N.I.P.

A LANDSCAPE PROJECT IN CONJUNCTION WITH THE DEPARTMENT OF COMMUNITY DEVELOPMENT CULTURE - RECREATION AND PARKS DIVISION FROM PROPOSALS PREPARED BY THE NORMANHURST NEIGHBOURHOOD PLANNING COMMITTEE

SCALE 1"=40'
PREPARED BY F. BERNT

DATE: MARCH 1954
DRAWN BY: M. M. W. J. J. J. J.





LAWRENCE ROAD

BOTANICAL NAME	PLANTLIST	COMMON NAME
5 PINUS NIGRA	AUSTRIAN PINE	
50 SPIREA BUNALDA GOLDFLAME	GOLDFLAME SPIREA	
25 CORNUS ALBA SIBIRICA	REDBARK DOGWOOD	
65 SALIX PURPUREA NANA	ARTIC WILLOW	

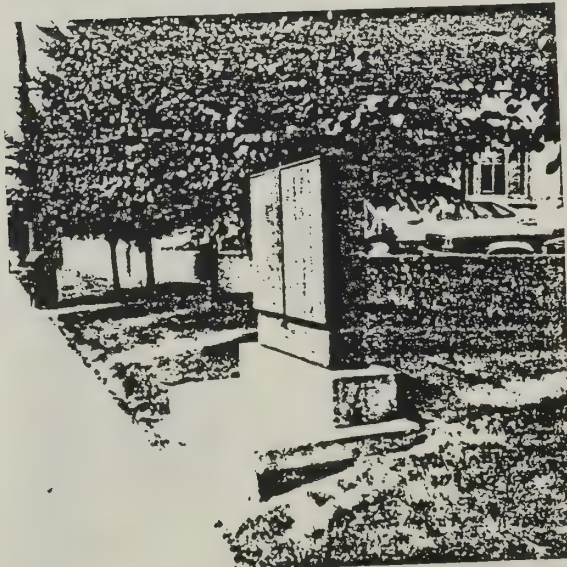
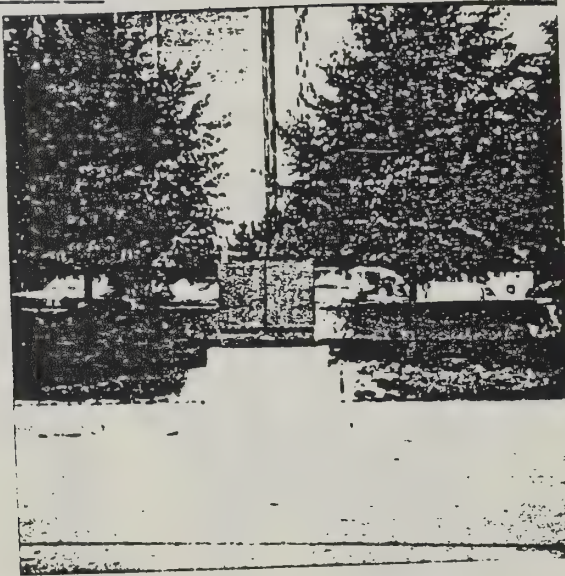
DEPARTMENT OF PUBLIC WORKS, PARKS DIVISION
CITY OF HAMILTON
SHOWING PROPOSED LANDSCAPING
COCHRANE & LAWRENCE ROAD
SCALE: 1"=10'
PREPARED BY: F. BERNT
JANUARY 21, 1987
DRAWN BY: M.M.

NOTE: CITY OF HAMILTON BENCH MARK 6-20
ELEVATION 343.31

No. 87-2

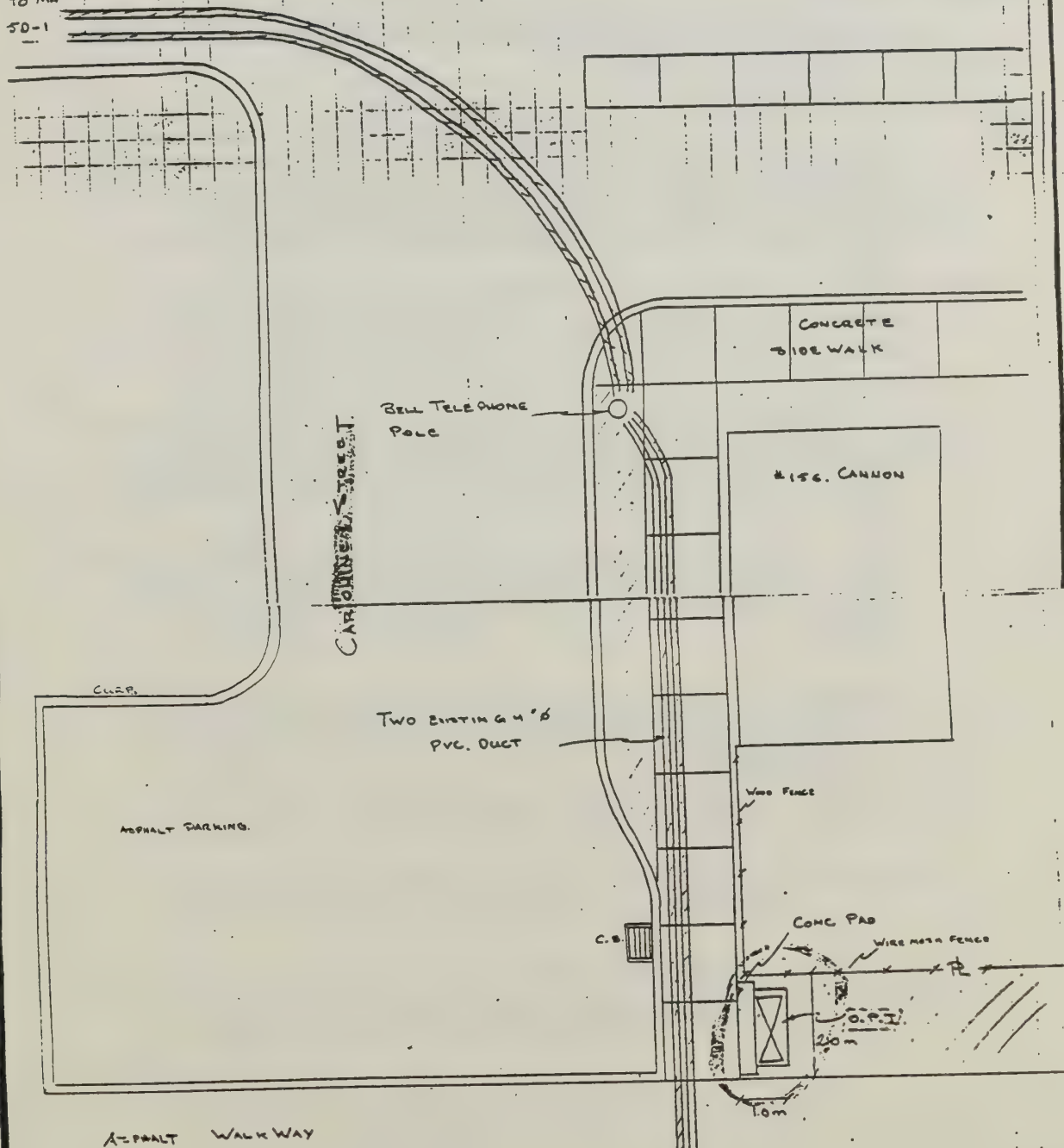
Referred to in Section 7 of the
FIFTEENTH Report for 1988 of the
Parks and Recreation Committee
as Appendix "B"

Bell Telephone Outside Interface



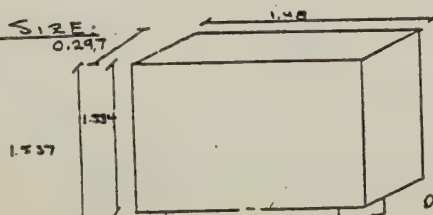
CANNON STREET WEST

TO MH
50-1



ASPHALT WALKWAY

O.P.I.
CABINET SIZE:
0.297



TO #179 CAROLINE

REPORT OF THE PLANNING AND DEVELOPMENT COMMITTEE

To the Council of the Corporation of the City of Hamilton

Members of Council:

The Planning and Development Committee presents its SIXTEENTH Report for 1988 and respectfully recommends:

1. That two members of the Planning and Development Committee, one representative from the Seniors Council and one staff member be authorized to attend the Conference on Housing Options for Older Canadians sponsored by the Canada Mortgage and Housing Corporation to be held 1988 October 18-20 in Halifax, Nova Scotia.

NOTE: The Seniors Council representative's expenses to be charged to account 0321-0291 - Legislative Travelling.

2. That the City Solicitor be instructed to consent to dismissal of the City's action against the Subdivider also involving the Landowners on the basis that no court costs be payable by any party involving Battleridge Subdivision - Phase 1, Plan 62M-336.

NOTE: The Subdivision was registered in 1982. Improper grading appears to have been done by the Landowners rather than the original Subdivider and for this reason no further action is required.

3. (a) That the Building Commissioner be authorized to issue demolition permits for the demolition of the following properties:
 - i 270 Stone Church Road East
 - ii 255 Mount Albion Road
 - iii 1515 Upper Gage Avenue
 - iv 85 Delaware Avenue
 - v 100 Wentworth Street North

- (b) That the demolition permit for 2825 King Street East BE
DENIED.

NOTE: It was agreed by the Committee that because of the unusual circumstances surrounding the demolition of 2825 King Street East, the following steps would be taken:

- i That the owner be contacted to determine his role in the demolition and that the police be requested to investigate the demolition, and
 - ii That the City Solicitor's office be asked for their opinion as to whether or not the City may withhold the Building permit
 - iii That the development be held back until this matter is resolved.
4. That purchase orders be issued for the supply and delivery of Downtown Hamilton Action Plan Phase V Light Fixtures for the Community Development Department, in accordance with specifications issued by the Manager of Purchasing and Vendors' tenders, as follows:

Moldcast, Mississauga

In the amount of \$154 008

Prescolite, Mississauga

In the amount of \$ 21 600

NOTE: The above has been processed through the emergency procedures of the City of Hamilton Purchasing Policy, that states "An order can be placed upon the approval of two of the following: the Mayor, an appropriate Committee Chairman, the C.A.O. and that any action taken under this provision to be reported to the next regular meeting of City Council".

Only tenders received. Funds provided in James Street North Streetscape, Light Fixtures Account #0405-A82018.

5. That the Department of Community Development be directed to process a Designated Property Grant in the amount of \$3000 to Mr. Donald Warrener, owner of Custom House, 51 Stuart Street.
6. That the total outstanding O.H.R.P. loan for the Estate of Mrs. Clara M. Stewart, 86 Keith Street, in the amount of \$1994.10, be placed on the Tax Rolls.

7. That a loan increase for a Commercial Facade, in the amount of \$911 BE APPROVED for Mr. Mark Maltman, owner of 7 & 11 Mary Street.

NOTE: The interest rate will be 4.5 percent, amortized over 10 years. The total loan would now be \$19 811.

8. That a Commercial Facade Loan in the amount of \$15 000 BE APPROVED for The Hamilton Young Womens' Christian Association, owners of 66 Ottawa Street North.

NOTE: The interest rate will be 4.5 percent, amortized over 10 years.

9. That the City of Hamilton accept the sum of \$9 360 as cash payment in lieu of 5% dedication in connection with "Appleridge Estates", Hamilton, this being the cash requirement under Section 50 of The Planning Act.

NOTE: These lands are located west of Upper Sherman Avenue and north of Stone Church Road in the Rushdale Neighbourhood, Hamilton.

10. That the Drainage By-Law amendment to By-Law 88-09 attached hereto and marked APPENDIX "A", BE APPROVED.

NOTE: The By-Law implements the decision of Council taken on 1988 February 9 and further amends the effective date by two (2) weeks for requiring roof leader connections.

11. That the City Solicitor BE AUTHORIZED TO AMEND the deed on Lots 2 and 3, Plan M-352, Deeds 212642 L.T. and 212804 L.T., respectively to Ontario Auto Collision Limited as follows:

- (a) That the time for commencement of the construction of buildings of 5,000 square feet be extended to 1988 September 30, and the time for completion of the building be extended to 1988 December 30.
- (b) That the City agree to the request of Ontario Auto Collision Limited that it be permitted to transfer Lot 2 and Lot 3, Plan M-352 to G.N.A.F. Land Group Inc. a company controlled by the owners of Ontario Auto Collision Limited.
- (c) That the Mayor and City Clerk be authorized to execute the required documents.

12. That an Offer to Purchase the lands of The Corporation of the City of Hamilton, Parts 3 and 4, Plan 62R-5200, Stone Church Industrial Park located on Anchor Road, duly executed on 1988 June 17 by the Purchasers, Sam Mercanti, Peter Mercanti and Morris Mercanti and scheduled for closing on 1988 November 24, BE APPROVED AND COMPLETED.

NOTE: The purchase price is \$82 512. A deposit cheque in the amount of \$4 125. is being held by the City Treasurer pending Council approval.

The property is composed of a parcel of land located on the western limit of Anchor Road, having a frontage of 63.565 metres (208.54 feet) by a depth of 77.77 metres/70.134 metres (255.15 feet/230.09 feet) and containing an area of 6678.3 metres squared (1.6502 acres).

This transaction includes special building covenants, agreements and restrictions which are set out on the pages attached hereto and marked APPENDIX "B".

13. (a) That APPROVAL be given to Subdivision Application 88-06, "Clark Manor", H. C. Harnden, owner, to establish a draft plan of subdivision west of Upper Gage Avenue and north of Rymal Road East, subject to the following conditions:
- i That this approval apply to the plan prepared by S. W. Woods Inc., dated 1988 February 2, revised by a change to the lot line between Lots 4 and 5 and showing 5 lots, two blocks (Blocks "6" and "7") for development with adjacent lands, one block (Block "8") for future development and one block (Block "9") as a road widening.
 - ii That the street and the street widening (Block "9") be dedicated as public highways on the final plan.
 - iii That the street be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - iv That the final plan conform with the Zoning By-law approved under The Planning Act.
 - v That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.

- vi That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - vii That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - viii That Blocks "6" and "7" be developed only in conjunction with abutting lands.
 - ix That Eaglewood Drive be established to its full width prior to or in conjunction with the development of this plan of subdivision.
 - x That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - xi That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this Application (SA-88-06), H. C. Harnden, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.
14. (a) That APPROVAL be given to Subdivision Application 88-09, "Rita Avenue", Duarte Holdings, owner, to establish a draft plan of subdivision east of Upper Gage Avenue and south of Stone Church Road, subject to the following conditions:
- i That this approval apply to the plan prepared by A. J. Clarke and Associates, dated 1988 March 15 showing 24 lots and one Block (Block "25") for future multiple housing development and Block "26" as a 0.3m reserve.

- ii That the streets be dedicated as public highways on the final plan.
 - iii That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - iv That the final plan conform with the Zoning By-law approved under The Planning Act.
 - v That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - vi That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - vii That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block in the final plan.
 - viii That the owner shall erect a sign in accordance with Section XI of the subsequent Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - ix That Templemead Drive be established to its full width prior to or in conjunction with the development of this plan of subdivision.
 - x That Block "26" be conveyed to the City of Hamilton as a 0.3m reserve.
 - xi That the owner agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this Application (SA-88-09), Duarte Holdings, owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

15. That Section 13 of the Fifth Report of the Planning and Development Committee as approved by the City of Hamilton Council on 1988 March 8, respecting a proposed plan of subdivision of 9.163 ha. of land located north of Rymal Road East and east of Upper James Street in the Ryckmans Neighbourhood, **BE REPEALED**.
16. (a) That **APPROVAL** be given to amend Subdivision Application 87-24, 491719 Ontario Ltd. and 663921 Ontario Ltd., owners, respecting a proposed plan of subdivision of 9.163 ha. of land located north of Rymal Road East and east of Upper James Street in the Ryckmans Neighbourhood, subject to the following conditions:
- i That this approval apply to the plan prepared by Higgins Engineering Limited, dated 1987 April 6, revised to show 73 lots, seven blocks for development with adjacent lands, three 0.3m reserves, one block as a cemetery, and one block for a walkway.
 - ii That the streets be named to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth.
 - iii That the final plan conform with the Zoning By-law approved under The Planning Act.
 - iv That the owners make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes.
 - v That such easements as may be required for utility or drainage purposes be granted to the appropriate authority.
 - vi That the owners provide the City of Hamilton with a certified list showing the net area and width of each lot on the final plan.
 - vii That Roads One, Two, and Four conform to the trunk sewer easement within the plan.
 - viii That Road One is to be established to its full width prior to or in conjunction with the plan.

- ix That the owner is to purchase from the Regional Municipality lands known as Part 2, Reference Plan 62R-7100 and incorporate these lands in the final plan.
 - x That the centreline radii of all streets within the plan must have a 110 metre radius.
 - xi That prior to the availability of the extension of sewers from the east, Lots 1 to 33 and Blocks "76" and "77" cannot be developed.
 - xii That the centreline of Street Three must align with the centreline of Street "G" as shown on the draft approved plan of "Di Cenzo Gardens", Regional File No. 25T-86008.
 - xiii That Blocks "74", "75", "76", "77", "79", "80" and "84" inclusive be developed only in conjunction with adjacent lands.
 - xiv That Blocks "81", "82", "83", and "85" created by this plan as 0.3m reserves be conveyed to the City of Hamilton.
 - xv That a daylight triangle and an 86-foot road be established to its full width, as the midblock collector street north of the commercial block, prior to or in conjunction with this plan.
 - xvi That the owners shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
 - xvii That the owners agree in writing to satisfy all the requirements, financial and otherwise, of the City of Hamilton.
- (b) That a subdivision agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Hamilton-Wentworth Region with respect to this Application (SA-87-24, 491719 Ontario Limited, and 663921 Ontario Limited, owners, proposed draft of subdivision and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council.

17. (a) That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing to be held 1988 July 28, to defend the City's interest in the matter of an appeal to the O.M.B. by 714799 Ontario Limited, 554 James Street North, from a decision of the Committee of Adjustment (Application A-88-40) whereby the Committee denied the variances to establish a patio within the road allowance.
- (b) That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing 1988 July 28 to defend the City's interest in the matter of an appeal to the O.M.B. by Nick Lapceovich, 229 Strathearn Avenue, from a decision of the Committee of Adjustment (Application A-88-74) whereby the Committee denied variances to permit the existing dwelling and future single family dwelling to be located on substandard sized lots.
- (c) That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing to be held 1988 July 29 to defend the City's interest in the matter of an appeal to the O.M.B. by Gertrude Waldbroel, 190 Delaware Avenue, from a decision of the Committee of Adjustment (Application A-88-50) whereby the Committee denied the increase in the number of residents in a legal non-conforming residential care facility from 9 to 18 with no provision for additional parking spaces.
- (d) That a staff member from the City Solicitors Department and other staff as required be directed to attend the Ontario Municipal Board Hearing to be held 1988 September 1 to defend the City's interest in the matter of an appeal by Stevo and Zelko Culibrk, 1518 Barton Street East from a decision of the Committee of Adjustment (Application A-88-19) whereby the Committee denied the variances to permit the establishment of a restaurant without the provision of an adequate number of parking spaces and that the existing parking area is adjacent to a residential area.
18. That the recommendation of the High Density Residential Development Study, attached hereto as APPENDIX "C", BE ENDORSED.
19. That a request be made to the Ministries of Housing and Municipal Affairs to fund a housing intensification study for the City of Hamilton in accordance with the terms of reference, attached hereto as APPENDIX "D".

20. That the City Clerk be requested to inform the Regional Municipality of Hamilton-Wentworth that Proposed Amendment No. 36 to the Hamilton-Wentworth Official Plan does not conflict with the City of Hamilton's planning intentions.
21. That the City Clerk be requested to inform the Township of Glanbrook that the City of Hamilton does not object to a revised application for amendments to the Glanbrook Official Plan and Zoning By-law for "Airport-Related Commercial" uses, for lands located within the southern portion of the hydro corridor, east of Highway No.6, and south of the City of Hamilton, provided that:
- development within the hydro corridor be restricted to the 0.9 ha. (2.3 ac.) site, east of Highway No. 6 (see attached map marked as APPENDIX "E", and that further development within the hydro corridor not be permitted, to ensure that a buffer will be maintained between the Allison Neighbourhood in the City of Hamilton and the proposed Airport-Related Commercial Uses in Glanbrook.
22. That APPROVAL be given to Zoning Application 83-45, Sunoco Inc., owner, Rosart Properties Inc., agent, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre District), for lands located at the south-east corner of Upper Sherman Avenue and Stone Church Road East, and lands municipally known as No. 1411 Upper Sherman Avenue and No. 688 Stone Church Road East, as shown on the attached map marked as APPENDIX "F", on the following basis:
- (a) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District;
 - (b) That the lands described as Block 2 be rezoned from "C" (Urban Protected Residential, etc.) District to "G-1" (Designed Shopping Centre) District;
 - (c) That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 applicable to the lands described as Blocks 1 and 2, be modified to include the following variance as a special requirement:

That a 6.0m (19.69 ft.) wide landscaped planting strip and a 1.2m (3 ft.) to 2.0m (6.56 ft.) high visual barrier be established along and within the easterly and southerly limits of the "G-1" (Designed Shopping Centre) District (Blocks 1 and 2) adjoining a residential district.

- (d) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1086, and that the subject lands on Zoning District Map E-38C be notated S-1086;
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-38C;
- (f) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

NOTE: The effect of the By-law is to permit development of the subject lands for a shopping centre and a self-serve gas bar.

23. That APPROVAL be given to Zoning Application 87-82, Gwynette Seymour and Frederick Seymour, owners, requesting a further modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations for property at Nos. 60-62 West Avenue South, as shown on the attached map parked as APPENDIX "G", on the following basis:

- (a) That the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District regulations as contained in Section 11 of the Zoning By-law No. 6593 as amended by By-law 83-61 passed by City Council on 1983 February 22, applicable to the subject lands be further amended to include the following variances as special provisions:
 - i That Section 1.(a) of By-law No. 83-61 be amended by deleting the following wording after the word "that" in the third line; "twelve residents of at least 60 years of age", and substitute the following new wording, "twenty residents".
 - ii That Section 1.(c) of By-law No. 83-61 be amended by deleting the following word after the word "that" in the first line "four", and substitute the following new word "six".

- iii That a new Section 1.(d) be introduced which reads as follows:

Notwithstanding Section 18A.(9) of Zoning By-law No. 6593, the required maneuvering area for the required six parking spaces may be located off the site.

- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-810a, and that the subject lands on zoning District Map E-14 be notated S-810a;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-14;
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- 24.
- (a) That APPROVAL be given to Official Plan Amendment No. 59 to redesignate from "Residential" to "Commercial" and to establish a "Special Policy Area" for property located at the north-west corner of Rymal Road East and Upper Wentworth Street, municipally known as No. 401 Rymal Road East, and that the City Solicitor be directed to prepare a By-law to adopt the Official Plan Amendment for submission to the Regional Municipality of Hamilton-Wentworth.
 - (b) That APPROVAL be given to an amended Zoning Application 88-12, Wentwal Developments Ltd., owner, requesting changes in zoning to permit the development of lands located at the north-west corner of Rymal Road East and Upper Wentworth Street, municipally known as No. 401 Rymal Road East, for townhouses (Blocks "2" and "3"), apartments (Block "4"), a commercial plaza (Block "5") and to establish the appropriate zoning for the existing dwelling (Block "1"), as shown on the attached map marked as APPENDIX "H", on the following basis:
 - i That Block "1" be rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family Dwellings, Townhouses, etc.) District.
 - ii That Block "2" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District.
 - iii That Block "3" be rezoned from "AA" (Agricultural) District to "RT-30" (Street-Townhouse) District.

- iv That Block "4" be rezoned from "AA" (Agricultural) District to "E-2" (Multiple Dwellings) District.
- v That Block "5" be rezoned from "AA" (Agricultural) District to "G-1" (Designed Shopping Centre) District.
- vi That the "G-1" (Designed Shopping Centre) District regulations as contained in Section 13A of Zoning By-law No. 6593 applicable to Block "5", be modified to include the following variance as a special requirement:

Notwithstanding Section 13A (1) of Zoning By-law 6593 the following Commercial Uses shall be prohibited:

- a restaurant or refreshment room;
 - a manual car wash,
 - a mechanical car wash,
 - a coin-operated car wash,
 - a high-speed mechanical car wash; and,
 - an automobile service station.
- vii That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1087, and that the subject lands on Zoning District Map E-18E be notated S-1087;
 - viii That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18E;
 - ix That the proposed change in zoning will be in conformity with the Official Plan for the Hamilton Planning Area upon receiving the approval of Official Plan Amendment No. 58 from the Regional Municipality of Hamilton-Wentworth.
 - x That the Barnstown Neighbourhood Plan be amended by appropriately redesignating Blocks 1, 2, 3 and 5.

25. That APPROVAL be given to Zoning Application 88-30, Stanley Kasprazak, prospective owner, for a change in zoning from "AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District, for property being part of No. 1515 and No. 1523 Upper Gage Avenue as shown on the attached map marked as APPENDIX "I", on the following basis:
- (a) That the lands described as Block 1 be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse and Maisonette) District;
 - (b) That the lands described as Block 2 be rezoned from "C" (Urban Protected Residential, etc.) District to "RT-20" (Townhouse and Maisonette) District;
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-49D.
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
26. That APPROVAL be given to Zoning Application 88-33, F. and C. Cimino, owners, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the development of a vacant lot for a single family dwelling, for the property located at No. 739 Stone Church Road West, as shown on the attached map marked as APPENDIX "J", on the following basis:
- (a) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.
 - (b) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37c;
 - (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

27. That Zoning Application 88-36, Emelio Mascia and Mary Finocchio, owners, requesting a change in zoning from the "AA" (Agricultural) District to the "E" (Multiple Dwellings, Lodges, Clubs, etc.) District, to permit multiple family development on property surrounding No. 1073 West Fifth Street, as shown on the attached map marked as APPENDIX "K", BE DENIED for the following reasons:

- (a) The proposed multiple family development conflicts with the intent of the approved Mewburn Neighbourhood Plan which designates the subject lands for "Single and Double Residential" use.
- (b) It would set a precedent for future similar applications.
- (c) It would be incompatible with existing and future intended uses in the surrounding area.

28. That leave be granted to introduce the following Bills:

- (a) Bill D-81 A By-law to designate land located at municipal no. 255 West Avenue North as property of Historic and Architectural Value and Interest.
- (b) Bill D-82 A By-law to adopt Official Plan Amendment No. 58 respecting land located at the south-west corner of Upper Sherman Avenue and Limeridge Road East.
- (c) Bill D-83 A By-law to amend Zoning By-law No. 6593 as amended by By-laws No. 84-146 and 84-275 respecting land located at the rear of municipal no. 149 Nash Road South.
- (d) Bill D-84 A By-law to establish Site Plan Control respecting land located at the rear of municipal no. 149 Nash Road South.
- (e) Bill D-85 A By-law to amend Zoning By-law No. 6593 respecting land located at municipal no. 945 West Fifth Street.

- (f) Bill D-86 A By-law to amend Zoning By-law No. 6593 respecting land located at municipal no. 2783 Barton Street East.
- (g) Bill D-87 A By-law to amend Zoning By-law No. 6593 respecting land located at municipal no. 114 Melvin Avenue.
- (h) Bill D-88 A By-law to amend Zoning By-law No. 6593 respecting land located at the north-east corner of West Fifth Street and Stone Church Road West.
- (i) Bill D-89 A By-law to amend Zoning By-law No. 6593 respecting land located at the rear of municipal no. 2800 Barton Street East, being Ontario Hydro Lands.
- (j) Bill D-90 A By-law to amend Zoning By-law No. 6593 respecting land located at municipal no. 26 Wilson Street.
- (k) Bill D-91 A By-law to amend Zoning By-law No. 6593 respecting lands located at municipal nos. 159-179 Hunter Street East.
- (l) Bill D-92 A By-law to amend Zoning By-law No. 6593 respecting land located at municipal no. 464 Upper Kenilworth Avenue.

* 29.

That Zoning By-Law No. 6593 be amended to provide for the following definition of "Family":

"Family shall mean:

1. one person with or without the accommodation of not more than three lodgers.
2. any number of persons related to each other by blood, marriage, legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers.
3. any number of persons, two of whom live together in a conjugal relationship outside marriage and either one or both of whom are related to the remainder by blood, marriage, or legal adoption, or foster parentage, with or without the accommodation of not more than three lodgers.
4. five or fewer persons, irrespective of the relationship if any between them occupying premises and living as a single housekeeping unit; but does not include a person or group of persons occupying:

* section 29 added during Council
motion to refer to Planning and Development Committee lost
recorded votes, see page 992

5. a residential care facility, a short term care facility, a room or suite in a hotel, hostel, or lodging home, tourist home and any institutional accommodation.
6. That the City Solicitor be requested to prepare the necessary by-law for submission to the Planning and Development Committee and City Council."

Respectfully submitted,

ALDERMAN J. SMITH, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

R. C. Prowse
Acting Secretary
1988 July 13

The Corporation of the City of Hamilton

BY-LAW NO. 88-

To Amend By-law No. 88-09

Respecting:

ROOF LEADERS

WHEREAS By-law No. 80-245, passed on the 9th day of September 1980 in accordance with The Municipal Act, R.S.O. 1970, Ch. 284, [now The Municipal Act, R.S.O. 1980, Ch. 302, Section 210, paragraph 74 and Section 219, paragraph 1], provides for the regulation of land drainage;

AND WHEREAS By-law No. 88-09, passed on the 12th day of January, 1988, amended By-law No. 80-245 by requiring that roof leaders be connected to storm sewers;

AND WHEREAS the Council of The Corporation of the City of Hamilton, in adopting Item of the Report of the Planning and Development Committee at its meeting held on the 26th day of July, 1988, directed that By-law No. 88-09 be amended to exempt from its provisions certain subdivisions, where the plan of subdivision is registered in the Land Registry Office prior to , 1988.

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Section 4 of By-law No. 88-09, being an amendment to Section 6 of By-law No. 80-245, is amended by inserting the figure (a) after the number 6.

2. Section 4 of By-law No. 88-09 is further amended by adding thereto the following subsection:

6. (b) Subsection (a) shall not apply to subdivisions where the plan of subdivision is registered in the Land Registry Office for Hamilton-Wentworth prior to the 30 day of January 1988.

PASSED this day of A.D. 1988.

City Clerk

Mayor

(1988) P.D.C. , July 26

Appendix "A" as referred to in Section 10 of the SIXTEENTH Report for 1988 of the Planning and Development Committee.

07/26/88

Appendix "B" as referred -1053-
to in Section 12 of the
SIXTEENTH Report for 1988
of the Planning and
Development Committee.

Parts 3 & 4
Plan 62R-5200

Sam Mercanti, Peter Mercanti
and Morris Mercanti

The completion of this Agreement is conditional upon the following condition being met by the Regional Municipality of Hamilton-Wentworth prior to closing:

1. That in accordance with the M-13 S-658 Zoning requirement, the Region must construct a 50 foot landscaped berm in accordance with the plans adopted by Regional Council on May 15th, 1979. Said plans are attached hereto.

If the landscaped berm is not completed by the closing date, then the closing will be automatically extended until the work is completed, however, being no later than December 31st, 1988. Failing the completion of the Offer to Purchase by December 31st, 1988, this Agreement will become null and void and the purchasers' deposit will be returned in full without deduction.

2. The purchasers agree:

(a) that they shall enter into a site plan agreement with the City in a form satisfactory to the City under Section 40 of The Planning Act (R.S.O. 1980 c. 379 as amended).

(b) The agreement shall include:

(i) The purchasers' acknowledgement that the Region has installed a berm approximately 50 feet wide along the rear of the property, which berm is shown on the attached plan.

(ii) The purchasers' acknowledgement that the Region has landscaped the berm with grass, shrubs and trees to establish a visual barrier along the Queen Elizabeth Way frontage of the purchasers' property, as illustrated on landscapes plans and cross section.

(iii) The obligation of the purchasers for themselves, their heirs, successors and assigns, as the case may be, to:

(a) maintain and keep good care of the said landscaping including the replacement of same when necessary;

(b) not to remove the landscaping or the berm, and;

(c) not to alter the berm or the landscaping except to improve the landscaping.

(c) The purchasers agree to register the said site agreement on title.

3. The purchasers acknowledge that they are obliged in respect of the balance of the whole property (the bulk of their site) and the purchasers agree they shall in respect of their development of the said balance of the whole property, apply for approval of the City under Section 40 of The Planning Act, R.S.O. 1980 c. 379 as amended, and receive the approval of the City, prior to obtaining their Building Permit.

4. The purchasers also agree that paragraphs 2 and 3 shall not merge upon the delivery of the City's deed herein, but shall remain in full force and effect.

DATED AT Hamilton 'THIS 17 DAY OF June 1988.

WITNESS:

Mari Lissani

Sam Mercanti
SAM MERCANTI
Peter Mercanti
PETER MERCANTI
Morris Mercanti
MORRIS MERCANTI

- 6.1 The Purchaser acknowledges to the Owner that the Purchaser realizes that in addition to the sale price payable in this Offer to Purchase, there may be municipal, regional, governmental or provincial charges, fees, levies and rates to be paid by the Purchaser; in particular, without limiting the generality of the foregoing, the Purchaser realizes that he may also be required after the grant to him:
- (a) to pay municipal, realty and business taxes;
 - (b) to pay City Local Improvement Charges for City services such as streets, sidewalks and curbs;
 - (c) to pay Regional Local Improvement Charges for Regional services such as water supply, storm sewers and sanitary sewers;
 - (d) to pay Regional Special Charge (sewer impost fee), upon application for a building permit;
 - (e) to pay building permit application fee;
 - (f) to pay for storm and sanitary sewers, water lines, their connections and laterals under the street and under the Purchaser's property;
 - (g) to pay for the connection of all utilities to the premises;
 - (h) to prepare and obtain approval of site plans pursuant to The Planning Act prior to the issuance of a building permit and to enter into a site plan agreement, if requested by the municipality;
 - (i) to convey five percent (5%) of the land to the municipality for park purposes as a condition of development or redevelopment of the land for residential purposes;
 - (j) to apply for a re-zoning of the property in the event that the Purchaser's proposed use of the property is not permitted by the zoning by-law. Such application is subject to the approval of the City and the approval of the Ontario Municipal Board.
- 6.2 This Agreement may not be assigned by the Purchaser. In particular and without limiting the generality of the foregoing statement, it is understood and agreed that only the Purchaser named herein shall take title on closing and the Purchaser does not have the right to direct the Owner to convey the land to the Purchaser in trust, to the Purchaser and another or to a new third party.
- 6.3 In consideration for the grant of the hereinbefore described land to the grantee, in addition to payment of the sale price to the grantor, the grantee covenants and agrees to and with the grantor:
- 1. That the grantee shall commence construction of ~~22,000~~ building, having a minimum building area of square feet, upon the hereinbefore described land by not later than ~~May 24th, 1969~~.
- Building area is the greatest horizontal area of a building within the outside surface of the exterior walls. Construction is considered commenced when the foundations have been installed as determined by the Office of the Building Commissioner.
- 2. That the grantee shall complete construction of the said building not later than ~~May 24, 1990~~.
- The building is considered completed upon the issuance by the Office of the Building Commissioner of a Final Inspection Report.
- 3. In the event that the grantee does not comply with covenants 1 and 2 or either of them by the date(s) set out therein, the grantee covenants and agrees that the grantee shall sell the lands to The Corporation of the City of Hamilton, free and clear

Continued.....1(b)

of all charges, encumbrances, liens, claims or adverse interests whatsoever - if requested by the City, for the sale price herein, (without any interest) - less (a) the herein deposit; (b) the commission paid (if any) by the City to a real estate agent; (c) arrears of realty taxes (including the local improvement charges), penalty and interest owing on them - and further, without increase or compensation for costs of any improvements, additions, alterations, services or structures on, in or under the said lands.

- 6.4 The Purchaser agrees that the restrictions, covenants and agreements in paragraph 6.3 shall not merge upon the closing of this transaction but shall continue in full force and effect for the benefit of the Vendor, its successors and assigns.
- 6.5 The Purchaser agrees that the deed to him which he shall execute shall be subject to and include said paragraph 6.3 and its restrictions, covenants and agreements.

F O R A C T I O N

REPORT TO: SUSAN REEDER, SECRETARY
 PLANNING AND DEVELOPMENT COMMITTEE

FROM: J. D. THOMS, COMMISSIONER
 PLANNING AND DEVELOPMENT DEPARTMENT

DATE: 1988 June 22
COMM FILE:
DEPT. FILE: P5-4-7-15

SUBJECT:

High Density Residential Development Study

RECOMMENDATION

a) That the following recommendations be endorsed by Council:

- 1) That the City pass a resolution urging the Province to modify the Building Code to allow for greater flexibility in the conversion of existing buildings to new residential and commercial uses, while continuing to ensure building safety and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 2) That the City pass a resolution urging the Province to increase levels of funding for subsidized housing, especially for the purchase of land and the construction of new units, to encourage additional housing of this type in the Central Area and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 3) That the City pass a resolution urging the Federal and Provincial Governments to create a scheme of tax incentives to encourage the rehabilitation of older properties, especially those of architectural and/or historical significance and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 4) That the City pass a resolution urging the Province to increase funding and streamline its process for its "Convert-to-Rent" along with the various housing rehabilitation programs under Provincial jurisdiction and that the Planning and Development Committee refer the matter to the Planning and Development Department.

Appendix "C" as referred
to in Section 18 of the
SIXTEENTH Report for 1988
of the Planning and
Development Committee.

- 2 -

- 5) That the City pass a resolution requesting that as part of a review of the total property tax structure, the Province re-examine the assessment of condominium units in multiple residential buildings, in comparison to the assessment of rental units in the same type of structures and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 6) That the Central Area Plan Official Plan Amendment include a policy encouraging, where appropriate:
 - (i) lower building heights;
 - (ii) building scale, setbacks, and design which are compatible with existing streetscapes;
 - (iii) innovative design;
 - (iv) preservation of heritage buildings or of historical features such as building facades;
 - (v) preservation of trees and other landscape features;
 - (vi) dedication to the City of useable open space for a public park where appropriate;
 - (vii) turning over units for subsidized housing;
 - (viii) providing ground related units suitable for families;
 - (ix) providing facilities such as day nurseries for community use;
 - (x) providing more than the minimum number of parking spaces, and allowing public access to the additional spaces having regard to security;
 - (xi) providing enclosed parking.

The granting of planning incentives may be used to achieve the above and would be at the discretion of Council and would be applied on a site-by-site basis and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- 7) That the Central Area Plan Official Plan Amendment include a policy supporting in principle the provision of off-site parking as an alternative to on-site parking, in cases where it is not feasible to provide the latter and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- 3 -

- 8) That the Central Area Plan Official Plan Amendment include a policy supporting in principle additional neighbourhood and pedestrian oriented commercial uses in residential areas in line with neighbourhood plan policies and Official Plan policies and that the Planning and Development Committee refer the matter to the Planning and Development Department for review.
- 9) That the Central Area Plan Official Plan Amendment include a policy supporting residential intensification (through conversions and additions) and infilling, and that these terms be defined and that the Planning and Development Committee refer the matter to the Planning and Development Department for review.
- 10 a) That the Central Area Plan Official Plan Amendment include a policy supporting the following pattern for multiple residential development:
 - i) where high density development is appropriate that it be located in the downtown core and/or with access to high volume arterial roads.
 - ii) low density development be located in the centre of neighbourhoods and at a distance from the downtown core.
 - iii) medium density development be located between low density and high density development.
 - iv) that high density development should primarily be medium rise although high rise should be permitted particularly in the downtown core and in nodes where direct access to high volume arterial roads is available.
 - v) that locations of both density and high rise be determined through the neighbourhood plan.
 - vi) the appropriateness of development should be judged in accordance with the following criteria:

"where little adverse impact is created on views and vistas particularly the Escarpment and Waterfront, privacy, traffic and street scale and texture".and that the Planning and Development Committee refer the matter to the Planning and Development Department for review.
- 10 b) The Central Area Plan Official Plan Amendment should provide definitions of the terms low, medium and high density, and low, medium and high rise and that the Planning and Development Committee refer the matter to the Planning and Development Department.

- 11) That the Central Area Plan Official Plan Amendment include a policy encouraging further high density residential development in the Downtown Core and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 12) That the Central Area Plan Official Plan Amendment include a policy supporting the principle of planning incentives, as a way to facilitate the preservation of heritage buildings and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- 13 a) That the Central Area Plan Official Plan Amendment include a policy supporting in certain cases the development for residential purposes of vacant areas which exist at ground level under certain apartment buildings and that the Planning and Development Committee refer the matter to the Planning and Development Department.
- b) That portions of landscaped areas of existing apartment buildings be examined for residential use as part of the proposed Housing Intensification Study, and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 14) That the Central Area Plan Official Plan Amendment include a policy supporting the elimination of the side yard requirement in situations where a building on a neighbouring property is built out to the side lot line, and does not have a window of a habitable room facing the subject property, provided that any new building is of a scale and height compatible with that which is adjacent and that the Planning and Development Committee refer the matter to the Central Area Plan Implementation Committee.
- 15) That the Central Area Plan Official Plan Amendment include a policy in which front yard requirements for structures may be based on the setbacks of building in the same block. This would apply to new buildings with facades compatible in terms of height with the facades of existing buildings on the street and that the Planning and Development Committee refer the matter to the Central Area Plan Implementation Committee.
- 16) That the Durand Neighbourhood Plan be reviewed in consultation with the Durand Neighbourhood Plan Implementation Committee:
 - (i) to develop new policies and designations for areas currently zoned for high density residential development;
 - (ii) to permit additional neighbourhood-oriented commercial uses in the neighbourhood residential areas.and that the matter be referred by the Planning and Development Committee to the Durand Neighbourhood Plan Implementation Committee and the Planning and Development Department.

- 17 a) That notices of public meetings of zonings and Committee of Adjustment application be circulated to appropriate neighbourhood associations and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- b) That the Planning and Development Committee be responsible for determining which associations are included in this process and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 18) That new multiple residential zoning categories be established that would have the following characteristics and that the Planning and Development Department prepare a report on the following matters:
- (i) reduced required side and rear yards;
 - (ii) front yards related to the setbacks of buildings on adjacent properties;
 - (iii) reduced landscaping requirements;
 - (iv) no landscaping bonus;
 - (v) reduced building height;

These three zones would have height and density provisions in the range of the following:

Zone "A": 4 storey maximum, 2.0 floor area/lot area ratio.

Zone "B": 6 storey maximum, 3.0 floor area/lot area ratio.

Zone "C": 8 storey maximum, 4.0 floor area/lot area ratio.

These zones may be applied to new areas to be rezoned for multiple residential development. Furthermore, the owners of Central Area lands within the "E", "E-1" and "E-3" Zones would be permitted to develop their property in line with the above provisions on the following basis:

- (i) lands zoned "E" could be developed according to the standards of Zone "A";
- (ii) lands zoned "E-1" also could be developed according to the standards of Zone "A";
- (iii) lands zoned "E-3" could be developed according to the standards of Zone "B".

- 19) That the following proposal "That the Zoning By-law be amended to eliminate the current requirement that a Class "A" dwelling unit created through conversion must have an area of at least 65 m. sq. (700 sq. ft.)" be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 20) That the following proposal "That the Zoning By-law be amended to eliminate the width requirement for all multiple residential zones; in the Central Area." be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 21) That the following proposal "That the Zoning By-law be amended to reduce the minimum required lot size to 360 m sq. (4000 sq. ft.) for all residential zones within the Central Area." be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 22) That a planning report be prepared by the Planning Department taking into consideration the following: "That the Zoning By-law be amended to permit a portion of the landscaped area to be situated on rooftops or terraces."
- 23 a) That as part of the site plan approval process, a brief impact statement be employed, for the purpose of reviewing the impact of new multiple residential developments in the Central Area, with regards to:
 - (i) streetscape compatibility (building heights, front and side yard setbacks, etc.);
 - (ii) shadow casting;
 - (iii) wind effects;
 - (iv) views and vistas;
 - (v) traffic.
- b) That the site plan application forms be amended to include space for brief impact statements on:
 - (i) streetscape compatibility (building heights, front and side yard setbacks, etc.);
 - (ii) shadow casting;
 - (iii) wind effects;

- 7 -

(iv) views and vistas;

(v) traffic.

c) That the process be monitored for one year to evaluate impacts and that the matters be referred by the Planning and Development Committee to the Planning and Development Department.

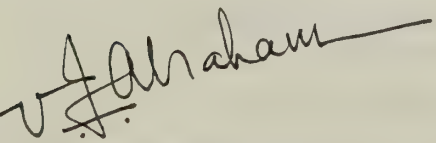
- 24) That the Planning Department carry out a Housing Intensification Study, with special emphasis on the Central Area.
- 25) That the Planning Department review the home occupations permitted in the residential zones within the Central Area, for the purpose of acheiving a greater variety of such uses.
- 26) That the Planning Department review the variety of commercial uses permitted in the "E" Zones, the type of structures in which such uses are permitted, and the types of conversions which may be permitted, for the purpose of increasing the amount of commercial activity.
- 27) That the Traffic Department review the parking situation in the Central Area, for the purpose of determining whether the current parking standard for multiple residential structures in the Central Area is appropriate.
- 28) That the Planning Department review the "Cash-in-lieu-of-parking" Program, for the purpose of determining whether the program should be extended to residential development.
- 29) That the Planning Department review the regulations associated with the Zoning categories found in the Downtown Core and develop new incentives, for the purpose of encouraging more housing in that part of the City.
- 30) That the Planning Department prepare guidelines for the operation of a planning incentive system and that these guidelines be incorporated into the Central Area Plan for use as a basis for decisions by the Committee of Adjustment and Council.
- 31) That the Planning Department conduct a study for the purpose of establishing shadow casting and wind effect guidelines, and to determine the height and scale of buildings to which these guidelines should apply.
- 32) That the Planning Department identify those key natural and manmade features the views of which are worthy of preservation. The study should also identify the "view corridors" associated with these features, and should produce guidelines that would encourage appropriate development within these corridors.

- 8 -

- 33) That the Planning Department and citizen committees consider the need for more high density housing in the preparation of the neighbourhood plans for Corktown, Central, Beasley, North End East and North End West.
- 34) That the City expand the current Development Incentives Program, by preparing additional planning briefs for publicly owned underutilized lands in the Central Area, for the purpose of developing those lands for housing and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 35) That the owners of the property shown on Map 1 be approached with the objective of modifying the zoning in order to encourage retention of existing buildings and new development which would be in character with existing development, on the following basis:
- (i) the Durand Neighbourhood Plan Implementation Committee should be responsible for approaches in the Durand Neighbourhood;
 - (ii) a pilot project should be selected by the Durand Neighbourhood Plan Implementation Committee;
 - (iii) the possibility of establishing a heritage district should be considered;
 - (iv) the right of the owners of adjacent properties to build up to the heights to which they are now entitled would not be affected and, that the matter be referred by the Planning and Development Committee to the Durand Neighbourhood Plan Implementation Committee.
- NOTE: The Planning Department, along with LACAC, will be responsible for clause (iii).
- 36) That the following proposal "That the City increase the awareness of the owners of large underutilized parcels of land in the Central Area regarding the fact that the City supports the development of many such sites for high density housing, and is willing to adopt a flexible approach to development in order to meet this objective." be considered as part of the proposed Housing Intensification Study and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 37) That sufficient staff be made available to undertake the initiatives outlined in this report, and to speed up the processing of development applications and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.

- 9 -

- 38) That the following recommendation be tabled until the Planning Department considers the proposal from John Parente and bring back a report to the Planning Committee on both matters.
- "that a committee, similar in make-up to the High Density Residential Study Advisory Committee, be set up to review background material and make recommendations on rent review matters for consideration by the City".
- 39) That the Province be recommended to provide guidelines in consultation with municipalities for dealing with the applications under the Rental Housing Protection Act and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 40) That the City pass a resolution urging the Province to provide the private market with more incentives for private rental housing particularly in the Central Area where land prices are high and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 41) That the City pass a resolution to urge the Province to provide funds to allow the development of small, well designed, well built housing developments that "fit" into the neighbourhood and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 42) That the City pass a resolution asking the Province to provide funds for community relations programs within the non-profit housing programs and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 43) That the City pass a resolution urging the Federal Government to raise "Maximum Unit Prices" and that a review be undertaken every six months to reflect rising costs and that the matter be referred by the Planning and Development Committee to the Planning and Development Department.
- 44) That the Planning and Development Department draw up development guidelines to enhance crime prevention.
- b) That the City report to the Ministry of Municipal Affairs that the study is complete and request that the remaining portion of the grant money (\$5,000) be forwarded.


V. J. Abraham, M.C.I.P.
Director of Local Planning

- 10 -

COUNCIL ENDORSATION OF THE RECOMMENDATIONS WAS A REQUIREMENT OF THE PROVINCIAL GRANT. FURTHER ACTION NEEDS TO BE TAKEN ON EACH OF THE RECOMMENDATIONS (APART FROM RECOMMENDATION 17 AND 23) BEFORE COMING TO COUNCIL.

THE PACKAGE OF BACKGROUND MATERIAL INCLUDING BACKGROUND REPORT, MINUTES OF MEETINGS AND OTHER INFORMATION IS AVAILABLE FROM SUSAN REEDER, SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE. TELEPHONE: 526-2753.

FINANCIAL IMPLICATIONS

A number of studies and other actions have been recommended for the Planning Department. Once the studies are determined staff will bring back a report showing ways by which the studies could be undertaken and the alternative financial implications.

BACKGROUND

- o In April 1987, the Planning and Development Committee authorised commencement of the High Density Residential Study with with a 50% grant from the Ministry of Municipal Affairs. The objectives of the study, taken from the Central Area Plan, were:
 - significantly increase the number of people living in and around the downtown and provide a variety of housing choices for a mix of household types and incomes.
 - encourage new buildings that create an attractive environment in terms of safety, micro-climate and human scale.
 - place greater emphasis on heritage conservation and integration of new development into the fabric of the neighbourhood.
- o In November 1987, a background report was completed which included:
 - factual information relating to high density residential development.
 - analysis of information.
 - possible options for modifying policies and regulations and other City initiatives.
- o In January 1988, an advisory committee was established (Appendix 1) and met 11 times to produce a series of recommendations.
- o On April 11, 1988 and May 12, 1988 public meetings were held.
- o Background material was circulated separately to each Council member and is available in the Planning Department.

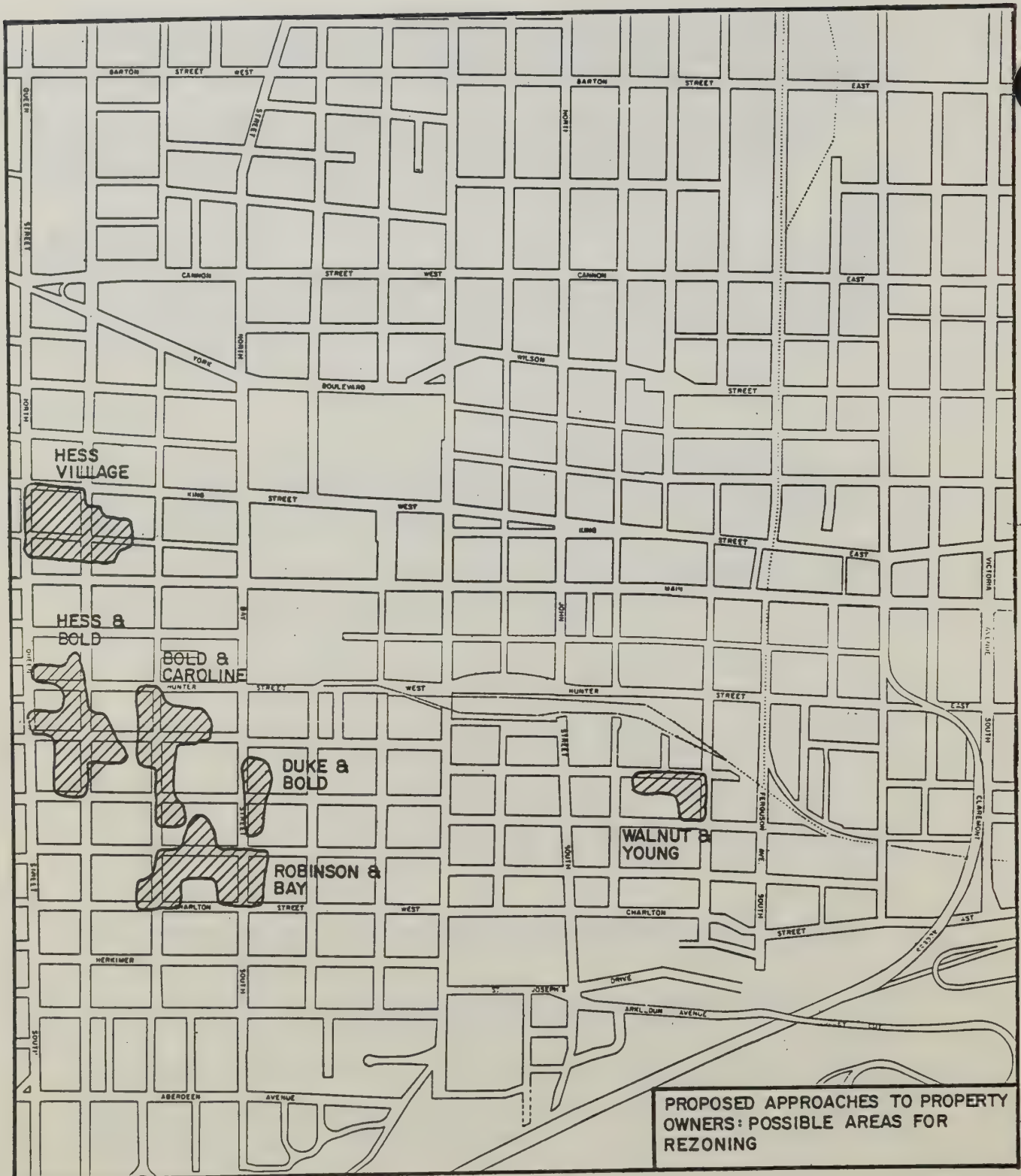
- 11 -

- o On June 8, 1988, the Planning and Development Committee considered the matter and asked that the Department revise recommendations to establish the process for dealing with each item.

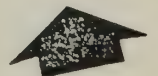
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WP 0315P

MAP 1



HIGH DENSITY RESIDENTIAL STUDY



- 1 -

Appendix "D" as referred to in Section 19 of the SIXTEENTH Report for 1988 of the Planning and Development Committee.

Housing Intensification Study

Terms of Reference

1. INTRODUCTION

The terms of reference form part of a proposal to the Ministries of Housing and Municipal Affairs for a grant application. The terms of reference cover:

- Objectives of the Study;
- Study Approach;
- Public Participation and Technical Support; and,
- Study Timing and costs.

A background report addressed to the Planning and Development Committee is contained in Appendix A.

2. OBJECTIVES OF THE STUDY

- to provide background information and analysis on housing intensification as a basis for developing strategies;
- to determine the appropriateness of housing intensification;
- to develop a series of strategies for housing intensification as a basis for appropriate recommendations; and,
- to implement housing intensification strategies where appropriate.

3. STUDY APPROACH

The study will be undertaken in the following phases:

Phase 1 (BACKGROUND) will record current trends relating to housing intensification, needs and demands, existing planning policies and controls both in the City and other municipalities, and examine current housing intensification initiatives.

Phase 2 (ANALYSIS) will analyse the material from the background phase to establish the potential and constraints for housing intensification.

Phase 3 (STRATEGIES) will develop a series of appropriate strategies for housing intensification by examining options and impacts.

Phase 4 (IMPLEMENTATION) will deal with implementation of the strategies.

PHASE 1 (BACKGROUND)

- affordability trends including price of housing, rentals, mortgage rates, incomes and cost of living indexes. Sources: Stats Canada, CMHC, Real Estate Board.
- review trends in household make-up and formation. Source: 1988 Assessment.
- losses and gains in residential stock through intensification and deintensification by neighbourhood. Source: 1988 Assessment.
- review household projections and current demand for types of dwelling produced through intensification. Source: Municipal Housing Statement Survey and Regional population and household projections.
- review current policies affecting housing intensification in the Official Plan, Neighbourhood Plans and other policy documents.
- review zoning by-law as it relates to housing intensification including site specific amendments and variances, conversions, low and medium density zoning, strip and suburban commercial parking.
- review current regulations affecting intensification e.g. - Building Code.
- review current programs related to intensification.
- review current and recent studies mentioned in Appendix "A" and their findings and status.
- review related literature including Affordable Home Ownership Charrette by the Toronto Home Builders Association, In Your Neighbourhood, by Lewinburg Consultants, Housing Intensification report No. 4 by the Metro Toronto Planning Department and Parking and Accessory Apartments by Marshall Macklin, Monaghan Provincial Guidelines on Housing Intensification and other relevant publications.
- review policies and controls in other municipalities.
- meet with Ministry officials and others involved in housing intensification to record current ideas and initiatives.

PHASE 2 (ANALYSIS)

- analyze policies and controls in other municipalities.
- analyse the existing affordability situation in relationship to the past.

- 2 -

PHASE 1 (BACKGROUND)

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PHASE 2 (ANALYSIS)

- analyze policies and controls in other municipalities.
- analyse the existing affordability situation in relationship to the past.

- analyse the existing potential for housing intensification using the projected demand from changes in household nature and projected supply.
- analyse the current policies and whether they address present housing intensification needs.
- analyse the impediments to housing intensification in the control mechanisms including zoning by-law, building code, other regulations.
- analyse the applicability of various initiatives and ideas to Hamilton.
- analyse the need to implement current strategies.

A background document will be prepared to cover background and analysis.

PHASE 3 (ISSUES AND STRATEGIES)

- identify issues around parking, traffic, overcrowding, impacts on streetscape, social aspects, impact on services, maintenance value, etc.
- develop strategy options using background and analysis.
- assess impact of various strategy options.
- recommend appropriate strategies and identify implementing groups.
- meetings with key groups and agencies will be held. A workshop and public meeting will be held. Outstanding issues will be resolved.

PHASE 4 (IMPLEMENTATION)

- carry out the necessary strategies. For example - policy changes, changes to the zoning on a general or areawide basis, educational initiatives, home sharing demonstration projects, etc.
- a public meeting of the Planning and Development Committee will be held. Council will endorse appropriate proposals.

PUBLIC PARTICIPATION AND TECHNICAL SUPPORT

The study will be undertaken by the Hamilton-Wentworth Region Planning and Development Department who advise the City of Hamilton on planning matters. Part of the study will be funded (about \$20,000) by the City through their annual planning budget. The remaining part will be funded through a \$12,000 grant from the Ministry of Housing and about a \$50,000 grant from the Ministry of Municipal Affairs. City money will be used to provide allocations for in-house staff and administrative services. The Manager of the Neighbourhood Section will co-ordinate the study. The Director of Local Planning and the Managers of the Development and Policies Sections will participate throughout the study.

Ministry money will be used to hire planning staff to carry out the work and to produce publications.

A technical steering committee will be set up and include:

- a representative from the Ministry of Housing;
- a representative from the Ministry of Municipal Affairs;
- a representative from the Region of Hamilton-Wentworth Planning and Development Department;
- a representative from the Region of Hamilton-Wentworth Housing Policy Group;
- a representative from the Community Development Department;
- Director of Local Planning; and,
- a representative from the Social Planning Council.

The Steering Committee will meet approximately 10 times during the study.

The Traffic, Building and other Departments will be invited when appropriate. The study will include meetings with key groups and agencies throughout the process. Interested groups will be kept informed through notices, minutes and information packages. The study will also include a workshop and public meeting during Phase 3 to refine strategies. Workshop participants will include politicians and representatives from the concerned groups:

- Hamilton Real Estate Board;
- Chamber of Commerce;
- Central Area Plan Implementation Committee;
- Hamilton and District Home Builders Association;
- Neighbourhood Associations.
- Social Housing Action Committee (a sub-committee of the Social Planning and Research Council concerned with affordable housing)

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WP 0021P

- 4 -

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A technical steering committee will be set up and include:

- a representative from the Ministry of Housing;
- a representative from the Ministry of Municipal Affairs;
- a representative from the Region of Hamilton-Wentworth Planning and Development Department;
- a representative from the Region of Hamilton-Wentworth Housing Policy Group;
- a representative from the Community Development Department;
- Director of Local Planning; and,
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WP 0021P

HOUSING INTENSIFICATION STUDY

Staffing and Costs

Phase 1	BACKGROUND	Days	Cost \$
	Director	2	600
	Manager	5	1,190
	Planner 1	10	1,890
	Planner 3	60	9,240
	Student	<u>60</u>	<u>8,100</u>
		137	21,020
Phase 2	ANALYSIS		
	Director	2	600
	Manager	10	2,380
	Planner 1	25	4,725
	Planner 3	<u>25</u>	<u>3,850</u>
		97	11,555
Phase 3	STRATEGIES		
	Director	3	900
	Manager	15	3,570
	Planner 1	40	7,560
	Planner 3	<u>40</u>	<u>6,120</u>
		98	18,150
Phase 4	IMPLEMENTATION		
	Director	3	900
	Manager	10	2,380
	Planner 1	50	9,450
	Planner 3	<u>50</u>	<u>7,700</u>
		113	20,430
		<u>445</u>	<u>71,155</u>
Cartographic/Technical Support			5,000
Printing/Secretarial/Administration			<u>7,000</u>
			<u>\$12,000</u>
TOTAL			<u>\$83,155</u>

CITY OF HAMILTON

ONTARIO
HYDRO
CORRIDOR

CONCESSION 1

LOT 5

KINGS HIGHWAY N^o 6

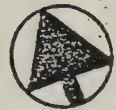
131m (430')

70m (230')

ALDERLEA AVE.

LOT 6

ALDERCREST AVE.



TOWNSHIP OF GLANBROOK

FIGURE 1

Appendix "B" as referred
to in Section 21 of the
SIXTEENTH Report for 1988
of the Planning and
Development Committee.



LANDS SUBJECT TO OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS

FILE N ^o :	SCALE:	DATE:	DRAWN BY:	MAY, PIRIE & ASSOCIATES LIMITED COMMUNITY PLANNING & DEVELOPMENT CONSULTANTS 3310 SOUTH SERVICE ROAD, BURLINGTON, ONTARIO L7N 3M5 (416) 632-4066
HW/G/344	1:5000 m	06/88	M.C	

AA

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07/26/88

RT-10/S
-539

AA

SITE PLAN CONTROL
BY-LAW 82-220H/
S-331

STONE CHURCH ROAD EAST

AA

R-4

BEAVERTON DRIVE

R4-H/S-1028

AA

AA/S-684

Appendix "F" as referred
to in Section 22 of the
SIXTEENTH Report for 1988
of the Planning and
Development Committee.

DULGAREN

LEGEND

BLOCK 1



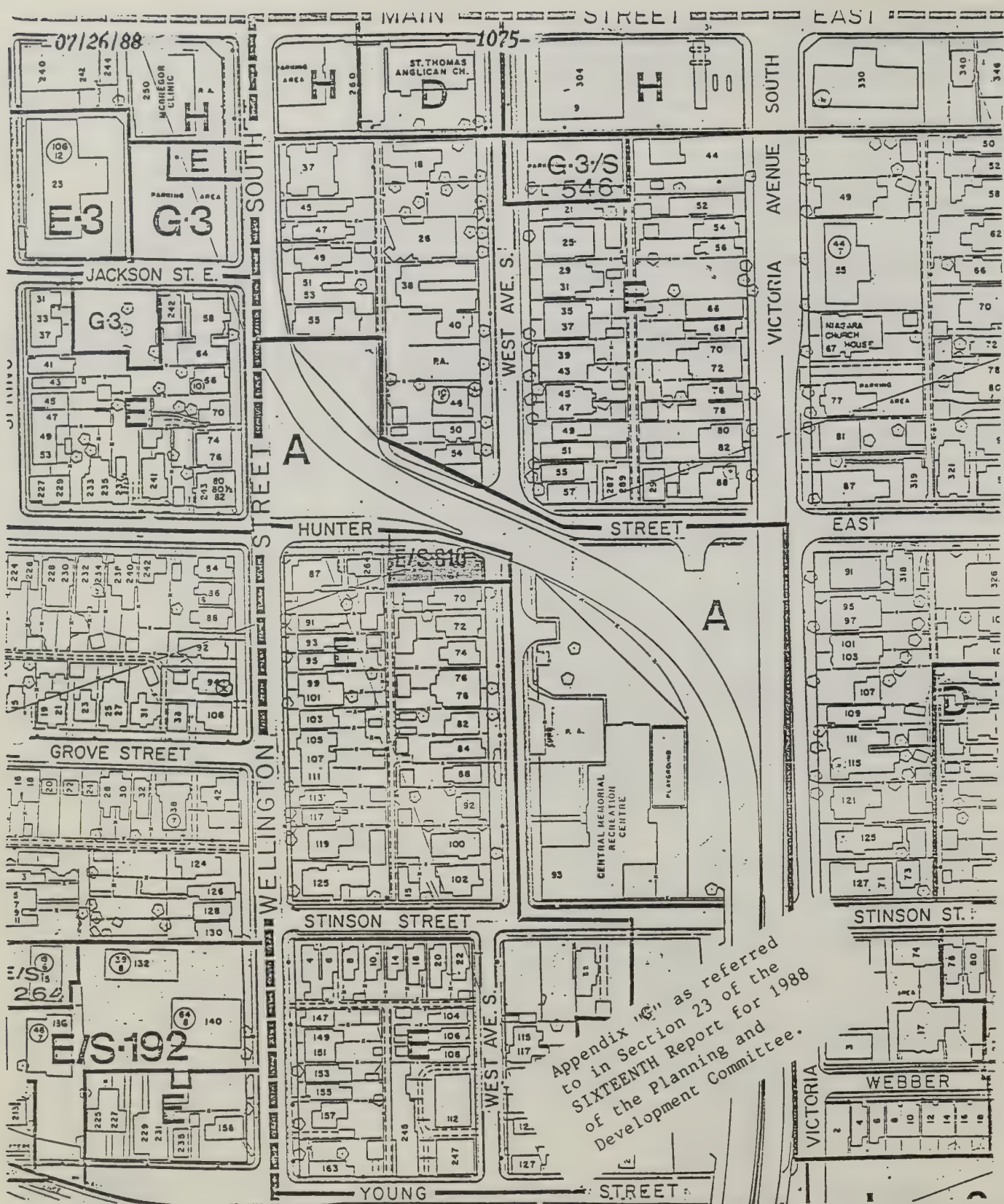
CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO
"G-1" (DESIGNED SHOPPING CENTRE) DISTRICT.

BLOCK 2

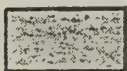


CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.)
DISTRICT TO "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT.

ZA-83-45



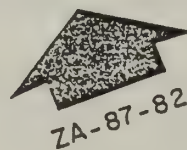
LEGEND

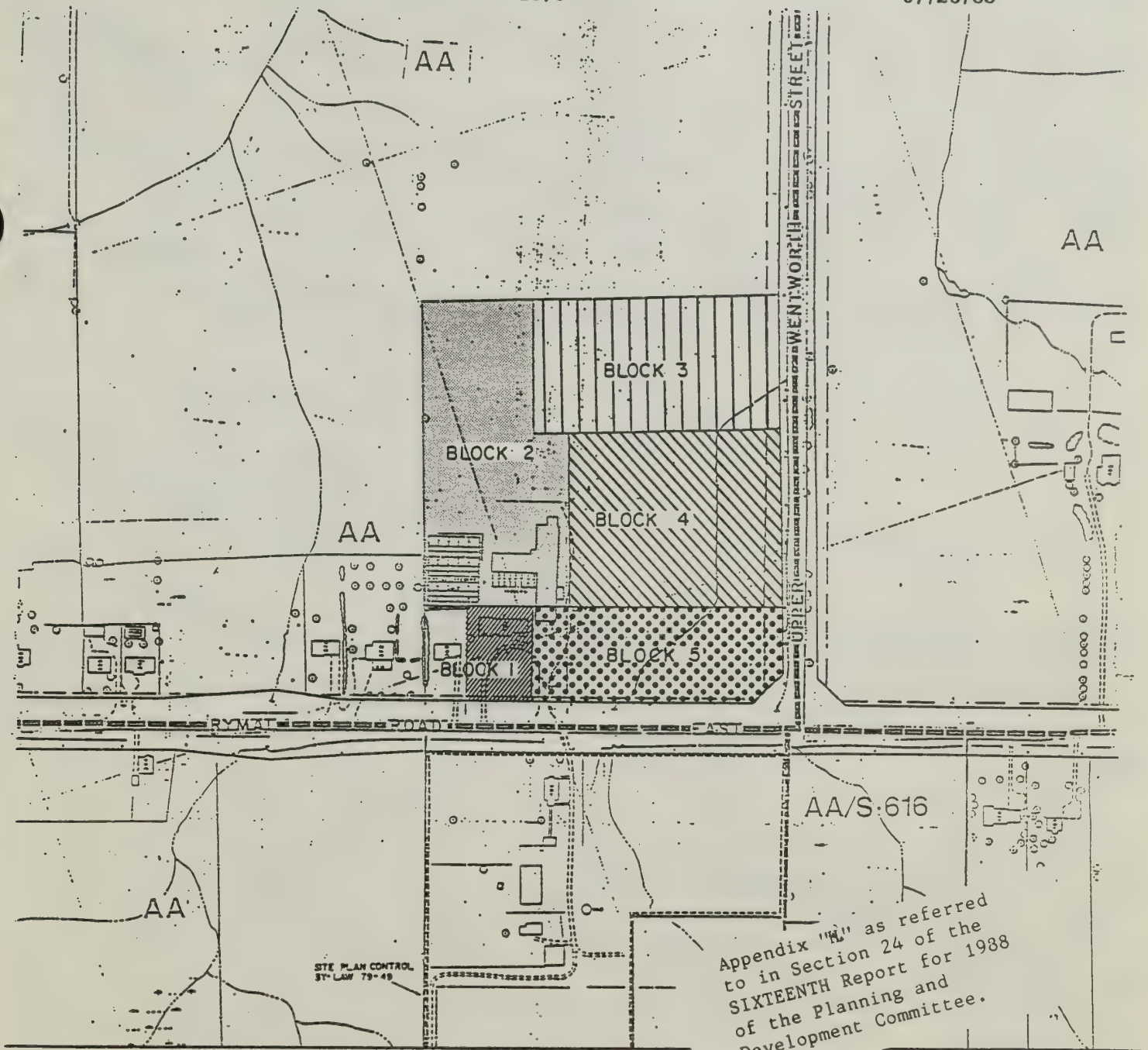


SITE OF THE APPLICATION

LOCATION OF A RESIDENTIAL CARE FACILITY

Appendix "C" as referred to in Section 23 of the SIXTEENTH Report for 1988 of the Planning and Development Committee.

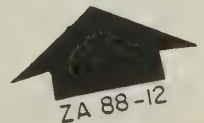


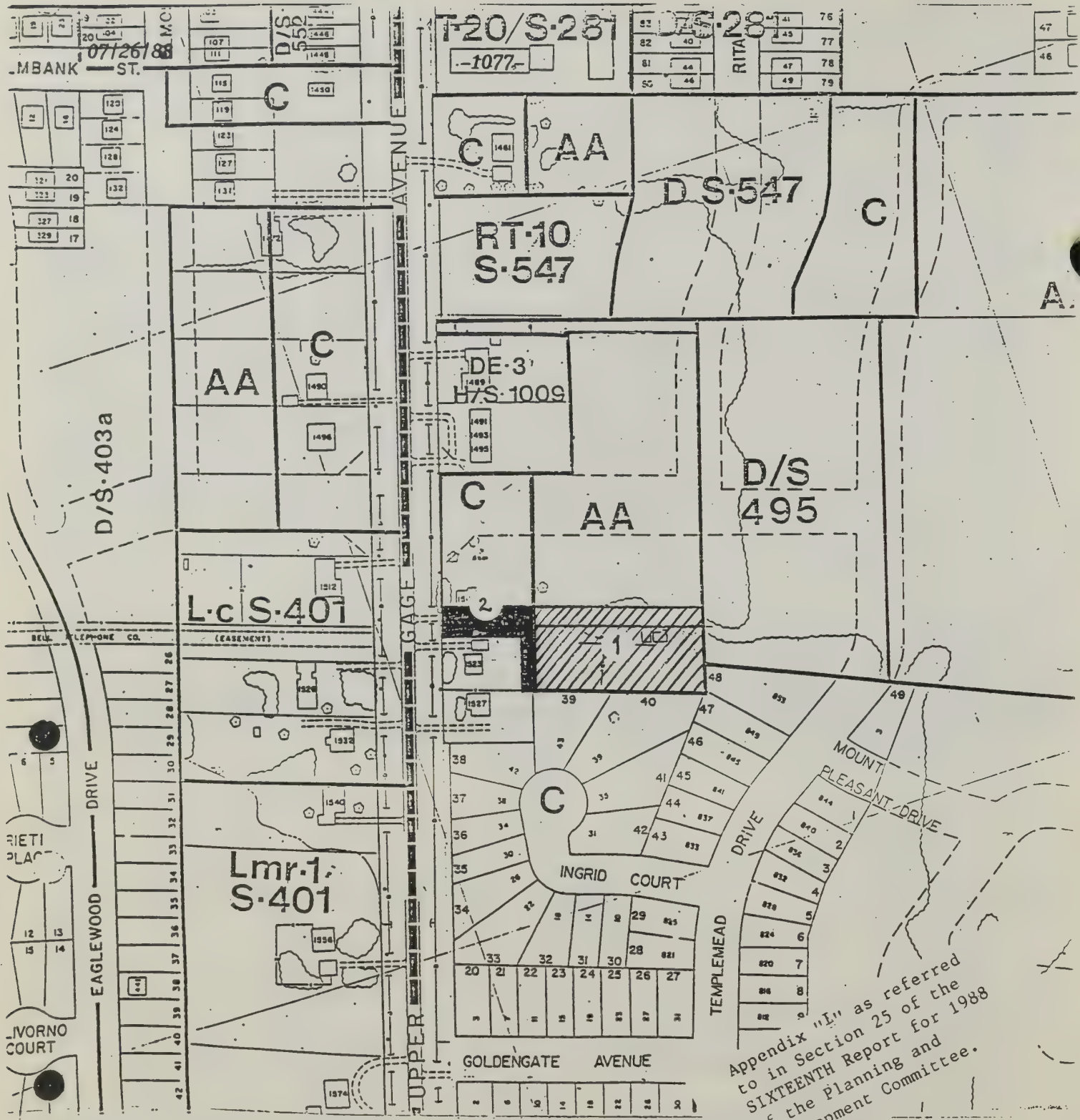


LEGEND

PROPOSED CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO:

- | | | |
|---------|--|---|
| BLOCK 1 | | "D" (URBAN PROTECTED RESIDENTIAL - ONE AND TWO FAMILY DWELLINGS, TOWNHOUSES ETC.) DISTRICT. |
| BLOCK 2 | | "RT-20" (TOWNHOUSE - MAISONETTE) DISTRICT. |
| BLOCK 3 | | "RT-30" (STREET - TOWNHOUSE) DISTRICT. |
| BLOCK 4 | | "E-2" (MULTIPLE DWELLINGS) DISTRICT. |
| BLOCK 5 | | "G-1" (DESIGNED SHOPPING CENTRE) DISTRICT. |





LEGEND



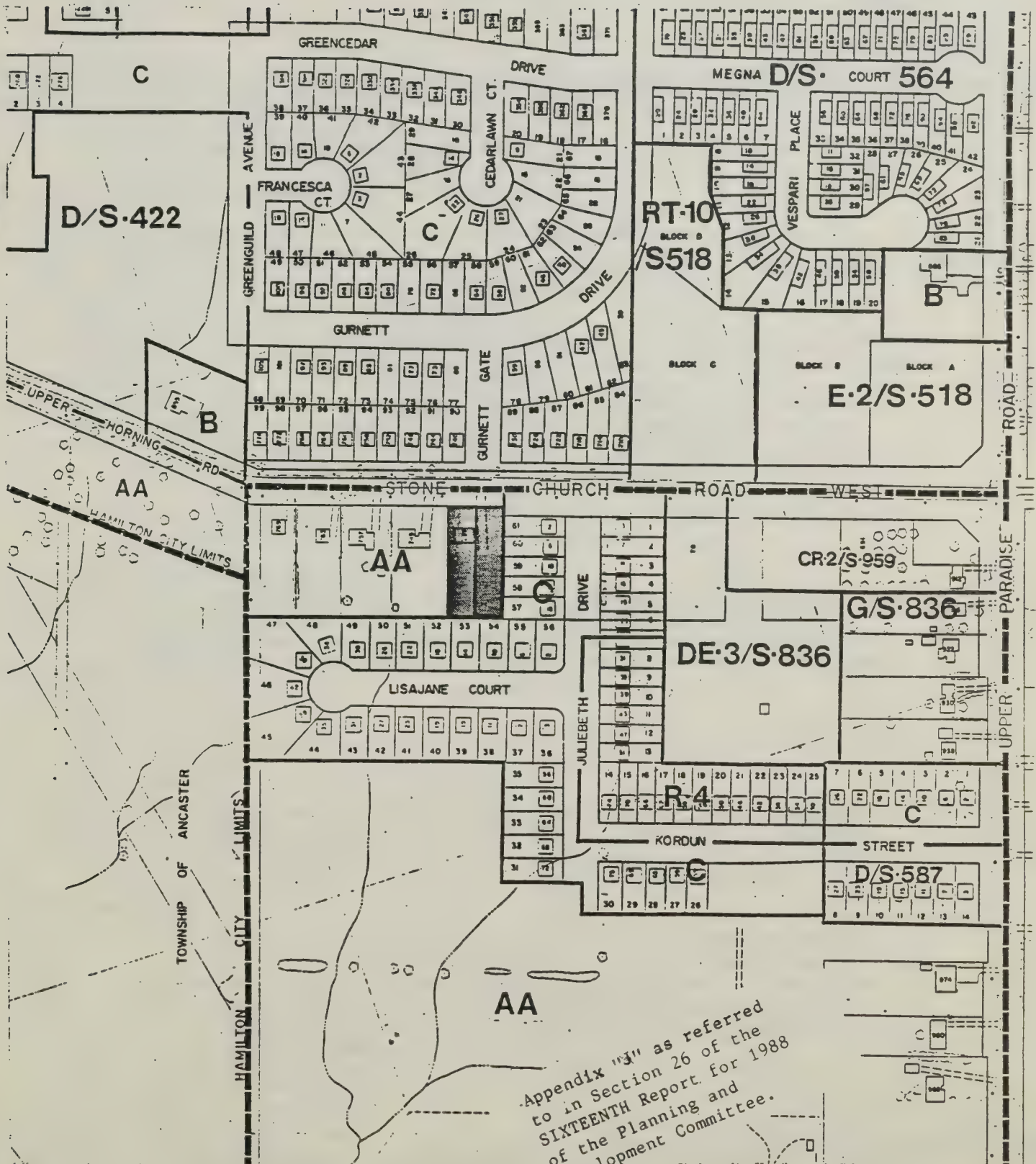
CHANGE IN ZONING FROM "AA" (AGRICULTURAL) DISTRICT TO "RT-20" (TOWNHOUSE-MAISONETTE) DISTRICT.



CHANGE IN ZONING FROM "C" (URBAN PROTECTED RESIDENTIAL, ETC.) DISTRICT TO "RT-20" (TOWNHOUSE-MAISONETTE) DISTRICT.

Appendix "I" as referred to in Section 25 of the SIXTEENTH Report for 1988 of the Planning and Development Committee.

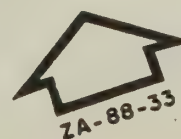
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ZA 88-30

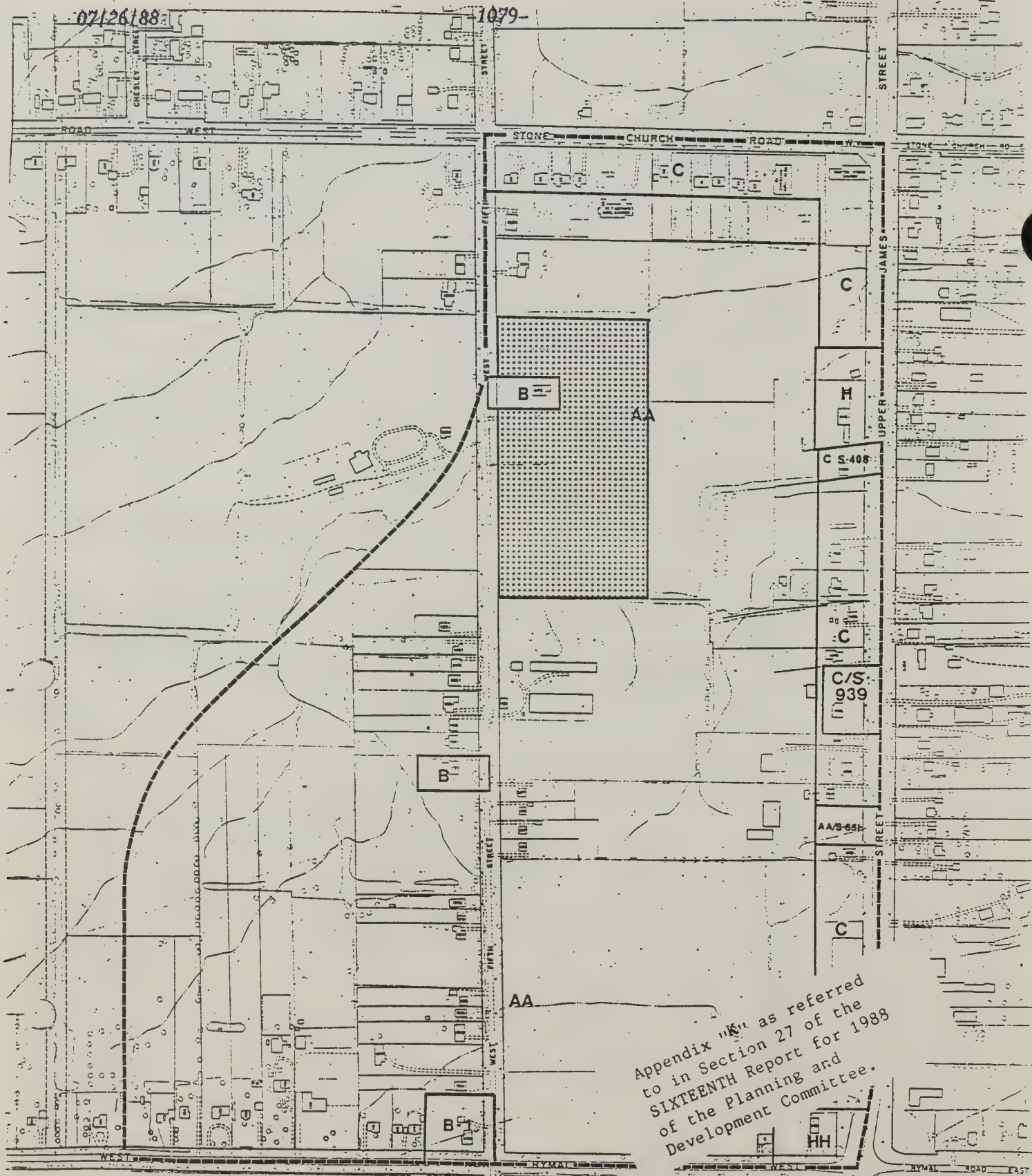


LEGEND



SITE OF THE APPLICATION





07/26/88

1079-

LEGEND



SITE OF THE APPLICATION

Appendix "K" as referred
to in Section 27 of the
SIXTEENTH Report for 1988
of the Planning and
Development Committee.

ZA-88-36
NORTH
SCALE 80m

REPORT OF THE LEGISLATION COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Legislation Committee presents its NINTH Report for 1988 and respectfully recommends:

1. That the Smoking Control Program, which is scheduled to expire on 1988 August 01, be continued for another year and then reviewed.

Note: Although provision has not been made in the 1988 Current Budget Estimates to finance the cost of this extension, the Legislation Committee has requested the Deputy City Clerk to investigate the possibility of financing this cost from within the present budget of the City Clerk's Department through identifying savings that have occurred or other expenditures that have been or will be reduced or deleted.

2. That a purchase order be issued to Moore Business Forms, Burlington in the amount of \$16 668.24 for the supply and delivery of Voter Notification forms in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

Note: Lowest of two (2) tenders received. Funds provided in Election, Office Supplies and Stationery Account No. 0322-0321.

3. That the City Solicitor be authorized and directed to prepare a by-law to amend Section 707-3(b)ix of Health By-law No. 4798 by deleting the words "the neighbourhood" in the last line and substituting in lieu thereof the words "a neighbour".

Note: The Courts have decreed that, for the purpose of giving evidence as a witness with respect to disturbing noises, not less than 3 neighbours constitutes a neighbourhood. At the present time, 3 people in a neighbourhood are required to testify as witnesses in court before charges can be laid under this section of the Health By-law.

In its amended form, Section 703-3(b)ix will read as follows:

"No person shall cause or permit the keeping of birds or animals the noise of whose crowing, cries, barking or other such sounds disturb the peace and comfort of a neighbour."

4. (a) That approval be given for use of the City Coat of Arms in the Adopt-A-School partnership logo, a copy of which is attached hereto as APPENDIX "A".
- (b) That approval be given to fly the "Partner in Education" flag at City Hall for the two year duration of the partnership with Westmount Secondary School.
- (c) That approval be given to purchase a Partners in Education flag and to print program invitations for the official kick-off ceremonies to be held on 1988 September 27 at a cost of \$200. and that these expenditures be charged to Receptions City Hall Account No. 0373-1002.

Note: In November, 1987, the Region of Hamilton-Wentworth and the City of Hamilton agreed to enter into a partnership with Westmount Secondary School as part of the Industry Education Council's Innovative Partners in Education, Adopt-A-School Project. The purpose of the programme is to promote greater awareness and involvement between area high schools and the community.

5. That the Liquor Licence Board of Ontario be advised that the City of Hamilton has no objection to the issuance of a Special Occasion Permit to the Hamilton Yacht Club on the occasion of the Lake Yacht Racing Association racing event to be held at the Hamilton Yacht Club from 1988 July 29 to August 06.
6. That permission be granted for the Status of Women Sub-Committee to use meeting rooms 264, 219, 233 and the Council Chambers from 8: a.m. to 5 p.m. on Saturday, 1988 September 24 for a workshop on "Grass Roots Involvement in a Municipal Election".

Note: The purpose of the workshop is to promote a greater awareness and involvement in the municipal election process.

Funds required to cover the cost of the workshop are available from within the present budget of the Status of Women Sub-Committee.

7. That permission be granted to the 6th Canadian National Square and Round Dance Convention Inc. to square dance in the forecourt of City Hall from 12:00 noon to 1:00 p.m. on Thursday and Friday, 1988 August 04 and August 05 on the occasion of the Square and Round Dance Convention to be held in the City of Hamilton.
8. That permission be granted to the Canadian Cystic Fibrosis Foundation to use Committee Meeting Room 233 to hold a press conference at 11:00 o'clock a.m. on Thursday, 1988 September 15 to announce Shinerama 1988, 25th Anniversary.
9. That permission be granted to LACAC to exhibit a display board in the City Hall foyer showing the Heritage buildings adjacent to Hamilton's Waterfront.
10. That approval be given to fly the Ukrainian flag at City Hall as well as place an Icon display in City Hall from 1988 August 12 to August 14 on the occasion of the world-wide Ukrainian Orthodox Millennium Celebrations to be held in the City of Hamilton 1988 August 13 and August 14.
11. That permission be granted to the Mum Show Committee of the City of Hamilton to set up a table and telephone in the City Hall foyer from 1988 October 17 to October 21 to receive calls during "Mum Count Week".

Note: The Mum Show Committee is planning a "Mum Count Week" October 17 to October 21. They will be urging people throughout the City to call in with a count of Mum blooms in their gardens. With the 60 000 blooms at the Mum Show, November 05 to November 20 and those in City Parks, they anticipate a count of well over one million giving the City the well-earned title of "Mum Capital of Canada".
12. That the Hamilton Tai Chi Association be authorized to use the City Hall forecourt on Sunday, 1988 August 28 from 10:00 a.m. to 11:00 a.m. for a demonstration of Taoist Tai Chi.

Note: The Taoist Tai Chi Society of Canada, a registered charitable organization, will be holding National Taoist Tai Chi Awareness Day on Sunday, 1988 August 28 to promote Taoist Tai Chi in conjunction with a fundraising drive for the United Way. Tai Chi is a centuries old Chinese exercise.

13. That permission be granted to the Palestinian Association of Hamilton and the Hamilton Canadians Concerned for the Middle East to use the City Hall forecourt on Wednesday, 1988 August 10 from 9:00 p.m. to 10:00 p.m. for a candlelight vigil to pay tribute to the 275 people who have lost their lives in the seven month old Palestinian uprising.
14. (a) That approval be given to the request of the Hamilton and District Labour Council for the City to erect a reviewing stand on the west side of Locke Street, midway on the grounds of Victoria Park, for the annual Labour Day Parade on Monday, 1988 September 05.
- (b) That funding for staff time be charged to Account No. 0321-0760.
- (c) That the request of the Hamilton and District Labour Council to fly the Canadian Labour Council flag at City Hall from 1988 September 05 to September 10, be approved.
15. That the City of Hamilton support the following recommendations of the Metropolitan Toronto Police Department to amend Section 195.1 of the Criminal Code (Canada) regarding Street Prostitution:
- (a) That this offence be changed from a Summary offence, to a hybrid offence, but within the absolute jurisdiction of a provincial court judge.
- Note: This would allow the police to fingerprint and photograph those persons charged with this offence. It is our experience that people involved in this type of offence change their names upon arrest more than any other type of offender. The proper process of Bench Warrants and Fail to Appear offences is bogging down because of the lack of identification. Further, the problem of runaway children who change their names to avoid apprehension is common.

- (b) That there be a minimum sentence for offenders with a mandatory period of incarceration imposed upon a third conviction.

Note: The need for a minimum sentence is quite obvious. The high percentage of repeat offenders indicates that present sentencing is having little effect on the problem.

- (c) That an addition to Section 195.1 of the Criminal Code be made allowing for the power to charge offenders where the officer believes on "Reasonable and Probable Grounds" that the offence is being committed.

Note: This legislation in its present form is only enforceable when the police use undercover decoys to charge suspects. This not only places great strain on the use of plainclothes police officers, but it does not allow for effective use of uniformed officers. Ideally this type of street problem should be controlled by uniformed foot patrol officers. Their presence in the first instance should deter the offender. If, however, she/he persists with this conduct, then the officer should have the power of arrest based on the officer's knowledge of the suspect (that she/he is a known prostitute) coupled with observations of the accused stopping numerous cars and/or pedestrians, thereby constituting reasonable and probable grounds that she/he was unlawfully soliciting.

Although the Force is maintaining its high level of enforcement, the problem continues. Citizen groups continue to express concerns about this criminal activity and they continue to request action which will produce more positive results.

16. That the following resolutions be endorsed:

- (a) City of Cambridge

THAT the Province of Ontario be petitioned to enact enabling legislation to allow municipalities to regulate and/or prohibit the sale of toy guns which are replicas of real weapons;

AND THAT this Resolution be forwarded to the area Members of Provincial Parliament, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, all municipalities with populations over 50,000 and the Federal Member of Parliament.

(b) City of Toronto

- (i) That City Council advise the Premier of Ontario of its opposition to the passing of Bill 119.
- (ii) That City Council request the Provincial Government to have this Bill sent back to the Committee prior to second reading, to allow the Mayor, members of Council, the Commissioner of Parks and Recreation and any other appropriate officials, to appear before the Committee to present a position paper, outlining the importance of physical fitness, sports, recreation and cultural activities and facilities to Ontarians;
- (iii) That the Mayor, members of Council, the Commissioner of Parks and Recreation and other appropriate officials appear before the Parliamentary Committee to express the City's concern with this amendment;
- (iv) That these recommendations be circulated to all Ontario municipalities for endorsement;
- (v) That these recommendations be forwarded to the Parks and Recreation Federation of Ontario for its information.

17. That no action be taken on the following resolution which has been forwarded to the City of Hamilton for endorsement and support by the Hamilton Action Committee of the Hamilton Disarmament Coalition which is planning a Nuclear Weapons Legal Action, an action seeking a federal court declaration that nuclear weapons are illegal under international law:

WHEREAS the Humanitarian Rules of Armed Conflict put into doubt the ability to fight a nuclear war while observing these rules;

AND WHEREAS under the Canadian Charter of Rights, the use of nuclear weapons is in direct opposition to our well being;

AND WHEREAS the Nuremburg Principles, proclaimed at the war crimes trials held at the end of World War II, condemned war crimes and crimes against humanity;

AND WHEREAS other Canadian Organizations are again preparing a test case for Canadian Federal Courts;

AND WHEREAS other Canadian Municipalities have endorsed this action as a means of public education on nuclear issues;

AND WHEREAS the City of Hamilton has, in the past, been very supportive of a number of peace issues, for example, held a referendum on disarmament in the 1982 civic election and declared Hamilton to be a nuclear weapons free zone in 1983;

THEREFORE we request Hamilton City Council to endorse the Nuclear Weapons Legal Action.

18. That the following resolutions from the Town of Oakville, be received:

- (a) WHEREAS the Provincial Government has made non-profit low income housing and the provision thereof its number one priority; and

WHEREAS the Minister of Housing has indicated that unco-operative communities stand to jeopardize their government grants; and

WHEREAS the Provincial Government has in the past dictated future populations for communities within a set time frame through approval of their official plans,

THEREFORE let it be resolved that the Province of Ontario be requested to provide those funds through direct grants, subsidies and/or supplementary subsidy as required by those municipalities to provide the infrastructures needs ie. transportation, roads, schools, water, sewer, recreation facilities etc. which are required to serve an expanding population and further the Province of Ontario work in a co-operative manner to assist Ontario municipalities and reverse the current philosophical trend which appears to be taking shape in municipal relations.

- (b) WHEREAS the Province of Ontario has an expressed interest in the preservation of Ontario's Heritage; and

WHEREAS a lot of dedicated volunteers are attempting to assist the Province by acting as the vehicle to facilitate recommendation of restoration work eligible for Designated Property Grants; and

WHEREAS eligibility of those grants to the citizens owning heritage properties is now being directly related to compulsory attendance of those volunteers at Provincial seminars,

THEREFORE be it resolved that the Province of Ontario be requested to reverse the emerging current philosophical trend which appears to be taking shape in the relationship developed with the volunteer section, Municipal Council and the Provincial Government as it relates to preservation of Ontario's Heritage.

19. That a gold civic ring be awarded to Ms. Susan Stewart in recognition of receiving a gold medal in the World Surf Rescue Championships held in Australia in April 1988.
20. That the City Solicitor be authorized and directed to prepare a by-law to amend Market By-law No. 81-180 to provide for the sale of Bulk Pet Food at the Hamilton Farmers Market.
21. That leave be granted to introduce the following Bills:
- (a) Bill E-10 By-law to Amend Procedural By-law No. 82-203 Respecting Council Meetings.
 - (b) Bill E-11 By-law to Repeal By-law 85-243 Respecting Election Contributions and Expenses.
 - (c) Bill E-12 By-law to Amend Market By-law No. 81-180 Respecting the Sale of Pet Food.

* (d) Bill E-13 By-law Respecting Smoking in the Workplace.

Note: At its meeting held 1988 April 26, City Council, in adopting Section 1 of the Sixth Report of the Legislation Committee authorized the City Solicitor to prepare a by-law to regulate smoking in the workplace in the private sector and that a public forum be held on the proposed by-law for input. The second draft of the proposed by-law was introduced to the Legislation Committee at its meeting of 1988 June 20.

It was tabled, pending referral to a public forum.

A public meeting was held 1988 June 29 to consider the proposed by-law in its second draft form.

As a result of input received at the public meeting and a review of Bill C-204, An Act to Regulate Smoking in the Federal Workplace, some changes were made to the draft proposed by-law.

At the meeting of the Legislation Committee on 1988 July 18, the final draft of the proposed by-law was approved in principle with some minor revisions.

It will be necessary to obtain private provincial enabling legislation before this proposed by-law may be given third and final reading and enacted.

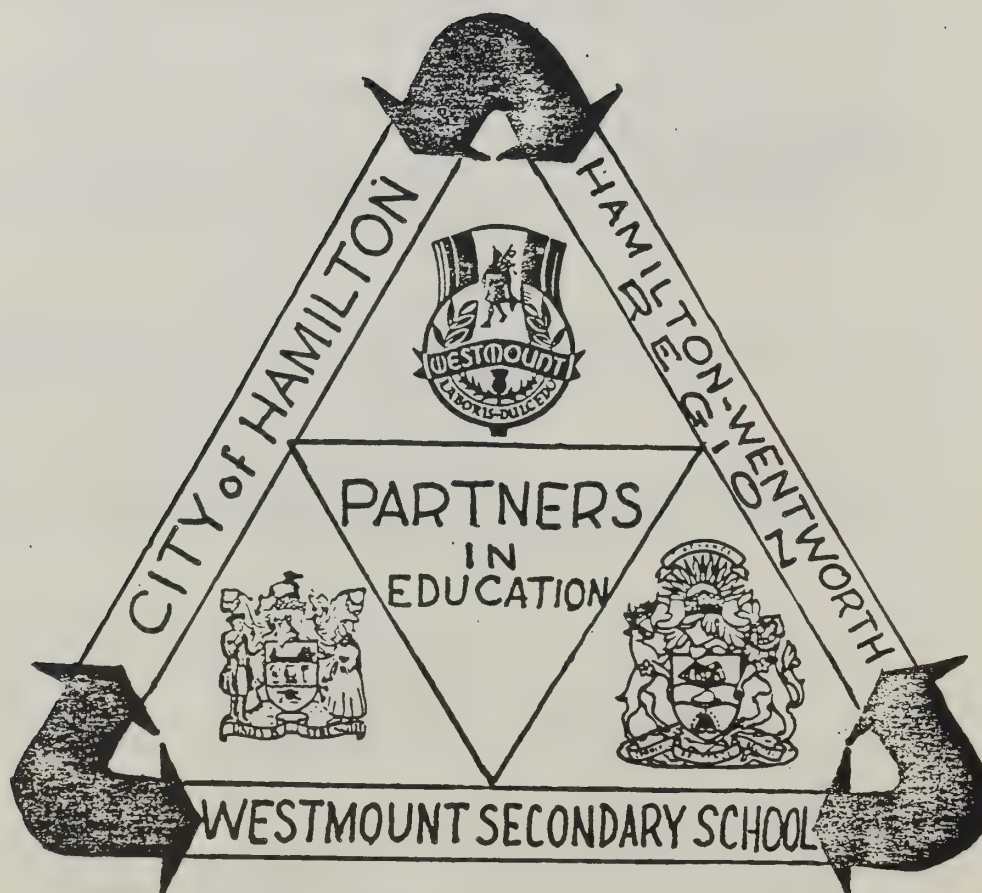
Respectfully Submitted,

ALDERMAN V. J. AGRO, CHAIRMAN
LEGISLATION COMMITTEE

John Thompson, Secretary
1988 July 18

mjw

* recorded vote, see page 993



APPENDIX "A" as referred
to in Section 4 (a) of the
NINTH Report of the
Legislation Committee

REPORT OF THE PERSONNEL COMMITTEE

To The Council of the Corporation of the City of Hamilton

Members of Council:

The Personnel Committee presents its NINTH Report for the 1988 and respectfully recommends:

1. That a purchase order be issued to Safety Supply Canada, Richmond Hill in the amount of \$26 382 plus applicable taxes for the supply and delivery of Fire Hose for the Hamilton Fire Department in accordance with specifications issued by the Manager of Purchasing and Vendor's quotation and that this be financed from Account No. 0408-H12556 - Owner's Project Allowance.

NOTE: Lowest acceptable of nine (9) quotations received.

2. (a) That an additional estimated amount of \$28 400 be provided in the advertising account of the Human Resources Centre (City) to cover a present over-expenditure of \$8 400 and an anticipated \$20 000 advertising expenditure to year end.
- (b) That the originating department or board incurring any future advertising expenses in 1988 demonstrate to the Human Resources Centre that they have achieved equal savings in their accounts by an appropriate delay in hiring of the advertised position.
- (c) That the Finance Committee recommend the method of financing.

NOTE: The Human Resources Centre accounts (City) have been examined and it has been determined that no funds are available from other programs or savings to offset the anticipated expenditures to year end.

The City's contingency account has been depleted. The present advertising appropriation of \$14 180 would be increased to \$42 580 on approval of the above recommendation. The additional \$28 400 required would be offset by savings in individual departmental accounts.

3. That the classification of the new position of Licence Inspector/Mechanic within the Licence Division of the City Clerk's Department be implemented within the City of Hamilton C.U.P.E. Local 167 Administration Unit at Salary Schedule A-9:

Salary Schedule A-9: \$27 129.98 to \$32 490.64 per annum.

4. That the following positions in the City Treasury Department be reclassified in accordance with the findings of the City Evaluation Committee, effective January 1, 1987.

Assistant Supervisor of Pensions	- To Level "M" \$32 604 to \$38 364
Accounts Analyst III	- To Level "M" \$32 604 to \$38 364
Assistant Supervisor of Accounts Payable	- To Level "N" \$30 320 to \$35 755

NOTE: The above three positions were not included in the original Job Evaluation Study for non-union employees. As a result, they were recently reviewed by the City Evaluation Committee which proposed that they be placed in the levels recommended above.

5. That effective July 4, 1988 one of the five Building Engineers' positions in the Building Department be reclassified to the position of Chief Building Engineer at Level "I" of the Non-Union Salary Schedule.
6. That the Appointments to and Terminations from both Permanent Positions with the The Corporation of the City of Hamilton to 1988 July 6th, as set out in the pages attached hereto and marked Appendix "A", BE APPROVED.

RESPECTFULLY SUBMITTED

ALDERMAN M. KISS
CHAIRPERSON
PERSONNEL COMMITTEE

1988 July 20
John Thompson
Acting Secretary
JDT/dg

Schedule "A"
referred to in
Section 6 of
the Ninth Report
of the Personnel
Comm. for 1988

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Leonard Cocomazzi	Tree Climber (D-9)	Public Works	replacing Mr. P. Lecompte - transferred	\$12.192 to \$12.392	\$12.392 per hour (2 of 2)	May 30, 1988
Mr. Charles Destro	Concrete Finisher (Districts) (D-8)	Public Works	replacing Mr. C. Mattina - resigned	\$12.128 to \$12.328	\$12.128 per hour (1 of 1)	June 6, 1988
Mr. John Allan Gamble	Property Officer (A-9(a))	Property	replacing Ms. Irene Taravski - promoted	\$533.06 to \$635.59	\$635.59 per week (5 of 5)	June 13, 1988
Mr. Roman Hrynyk	Systems Analyst (A-18)	Treasury	replacing Mr. Ross Robertson - retired	\$832.31 to \$991.41	\$865.55 per week (2 or 5)	June 13, 1988
Mr. Gary R. Kirchknopft	Legislative Technologist (A-12)	Traffic	replacing Mr. Martin White - promoted	\$588.12 to \$689.97	\$643.44 per week (3 of 5)	June 13, 1988
Mr. John F. Manta	Clerk Investigator (A-4)	Traffic	replacing Mr. Ward Howard - retired	\$422.70 to \$476.46	\$422.70 per week (1 of 5)	June 13, 1988
Mr. Scott McEwan	Equipment Mechanic II (D-11)	Public Works	replacing Mr. Christopher Turner - transferred	\$12.391 to \$12.591	\$12.591 per hour (2 of 2)	June 20, 1988
Ms. Elaine McLaren	Drafting Technician (A-9)	Traffic	replacing Ms. Lois Harvey - promoted	\$521.73 to \$624.82	\$568.24 per week (3 of 5)	June 20, 1988
Ms. Gail Lee Paradis	Stenographer IV (E-2)	City Solicitor's	replacing Ms. Christine Shepherd - promoted	\$339.51 to \$365.75	\$339.51 per week (1 of 3)	June 13, 1988

Prepared 06 July 1988

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07/26/88

THE CORPORATION OF THE CITY OF HAMILTON
TERMINATIONS FROM PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON</u>	<u>LENGTH OF SERVICE</u>	<u>EFFECTIVE DATE</u>
Mr. Brian Bishop	By-Law Officer	Traffic	Resigned	7 years, 3 months	July 8, 1988
Ms. Evelyn Buffett	Stenographer II	Building	Resigned	7 years, 8 months	June 24, 1988
Ms. Jean Faris	Executive Assistant	Hamilton Place (Div. of H.E.C.F.I.)	Retirement	12 years	June 30, 1988
Mr. Gordon Henderson	By-Law Officer	Traffic	Retirement	4 years, 10 months	June 30, 1988
Mr. Jon Jouprien	Curator	Dundurn Castle (Div. of Culture & Recreation)	Resigned	1 year, 5 months	June 30, 1988
Mr. D. Keddle	Garbage Loader	Public Works	Resigned	26 years	June 30, 1988
Mr. E. McCarthy	Labourer	Public Works	Resigned	12 years, 11 months	May 27, 1988
Mr. Mark Mehlenbacher	Firefighter	Fire	Resigned	2 years, 2 months	June 29, 1988
Mr. Paul Milan	Cement Finisher	Public Works	Unknown	3 days	June 2, 1988
Mr. Mark Ormond	Traffic Serviceman II	Traffic	Resigned	1 year 6 months	July 5, 1988
Mr. Anthony Sakalauskas	Firefighter	Fire	Resigned	19 years 7 months	June 19, 1988
Mr. M. Trigiani	Cement Finisher	Public Works	Termination	6 years, 2 months	June 24, 1988

THE CORPORATION OF THE CITY OF HAMILTON
APPOINTMENTS TO PERMANENT POSITIONS

<u>NAME</u>	<u>CLASSIFICATION</u>	<u>DEPARTMENT</u>	<u>REASON HIRED</u>	<u>SALARY SCHEDULE</u>	<u>RATE</u>	<u>EFFECTIVE DATE</u>
Mr. Stephen John Rea	Lieutenant (C-7)	Fire	replacing Capt. Stephen F. Morelli - promoted	\$43,881.02	\$43,881.02 per annum (1 of 1)	June 5, 1988
Mr. Craig Ruscinski	Operator Central Utilities (M-16)	Central Utilities Plant (Div. of H.E.C.F.I.)	replacing Mr. Robert Hamilton - promoted	\$15,000	\$15,000 per hour (1 of 1)	June 6, 1988
Ms. Lynne Tofani	Administrative Asst. IV (Q)	City Clerk's	replacing Ms. Stephanie Pryde - promoted	\$432.63 to \$509.96	\$432.63 per week (1 of 5)	July 4, 1988

Prepared 06 July 1988

REPORT OF THE FINANCE COMMITTEE

To the Council of the Corporation of the City of Hamilton.

Members of Council:

The Finance Committee presents its TWELFTH Report for 1988 and respectfully recommends:

1. That a purchase order be issued to Jocelyn Roofing & Sheet Metal, Hamilton, in the amount of \$57 800. to replace the roof at Dalewood and Central Memorial Recreation Centres in accordance with specifications issued by the Manager of Purchasing and Vendor's tender.

Note: Lowest of three (3) quotations received. Funds provided in Maintenance to Civic Buildings, Re-roof Dalewood and Central Memorial Recreation Centres Account No. 0408-E45001.

2. (a) Joanne Forte, 1987 October 05

That the City pay the amount of \$1 450. as an all inclusive settlement of Joanne Forte's claim.

Note: This matter arises from an incident in which a City employee accidentally struck Ms. Forte in the face with the lid of a garbage can. The complainant suffered a cut to the left side of her face, requiring stitching, and missed several days from school. The complainant will also have a slight permanent scar.

Counsel for the City has negotiated a proposed settlement for the sum of \$1 450. broken down as follows:

General Damages

(\$2 000. minus 50% for contributory negligence)

Special Damages \$1 000.

Pre-judgment Interest \$ 200.

Legal Costs: Disbursements \$ 66.74

Fees \$ 180.

TOTAL \$1 446.74

(Which Counsel for the City agreed would be rounded up to \$1 450.)

Counsel for the City believes this to be a very good settlement as it is their opinion that few judges would award general damages, even after a discount for contributory negligence of less than \$2 000.

(b) **Silvana Angelone and Danilo Angelone vs. the City of Hamilton, 1984 November 09**

That the City pay the plaintiffs \$30 092.88 in settlement of the plaintiffs' claims for damages, interest and costs.

Note: This action arises from an accident in which a City motor vehicle pulled out of the entrance to a shopping plaza and struck the plaintiffs' motor vehicle. Silvana Angelone suffered a sprain to almost her entire skeletal system. Ms. Angelone suffered and continues to suffer from headaches, neck, shoulder and neck pain and from a restriction of motion in her neck and shoulders and these problems are likely to be long term.

The solicitor for the plaintiff is prepared to accept the following offer:

<u>General Damages</u>	\$ 15 000.
<u>Special Damages:</u>	
Wage Loss	\$ 2 569.69
Miscellaneous including O.H.I.P.	\$ 2 773.25
<u>Pre-judgment interest</u>	\$ 6 249.94
<u>Party and Party Costs</u>	\$ 3 500.
<u>TOTAL</u>	<u>\$30 092.88</u>

Counsel for the City believes that this is a fair and reasonable settlement given the injuries suffered.

(c) Ester Iantomasi vs. the City of Hamilton, 1985 April 29

That the City pay the amount of \$3 000. as an all-inclusive contribution towards settlement of the plaintiff's claim.

Note: This action arises from an accident in which the plaintiff tripped in a pothole in a City sidewalk. The pothole was formed when the co-defendant, O'Brien Contracting cut a hole in the sidewalk to remove a pole. Although O'Brien Contracting shares the majority of responsibility for the fall, the City has a duty to inspect and repair its sidewalks.

Counsel for the City has negotiated a settlement for the sum of \$7 700. all inclusive for which the City would contribute \$3 000. and O'Brien Contracting \$4 700. This is a good result having regard to the injuries suffered by the plaintiff which includes a ligament injury to the ankle and back strain and pain which persisted for at least 2 1/2 years after the accident. Counsel for the City therefore recommends settlement.

- (d) Gladys Entwistle and Kenneth Entwistle vs. The Corporation of the City of Hamilton

That the City pay the amount of \$7 500. as an all inclusive contribution towards settlement of the plaintiff's claim.

Note: This action arises from a fall suffered by Gladys Entwistle caused by a three quarter inch trip in a City sidewalk. As a result of the fall, Ms. Entwistle suffered traumatic tendonitis in her left shoulder causing a limitation of movement in that shoulder and pain and also an injury to her left knee. Although the knee injury has cleared, the injury to the shoulder does not show signs of improvement.

The plaintiffs have agreed to a settlement of their claims for the following amount:

<u>General damages</u>	\$ 4 500.
(\$ 9 000. reduced by 50% for contributory negligence)	
<u>Special damages</u>	\$ 1 023.54
<u>Pre-judgment interest</u>	\$ 979.10
<u>Costs</u>	\$ 975.40
TOTAL	\$ 7 478.04
(Rounded up to	<u>\$ 7 500.)</u>

The height of the trip in the sidewalk brings it within the range of actionable trips for which the City would be liable for some of the plaintiff's damages. Counsel for the City considers that the above recommendation is a fair and reasonable one given the extent of the plaintiff's ongoing injuries.

3. That the following signed authority limitations for processing claims settlements by outside solicitors prevail:
- (a) Director of Public Works and City Solicitor signing approval of up to \$5 000.
 - (b) Director of Public Works, City Solicitor and Chief Administrative Officer, signing authority between \$5 000. and \$10 000.
 - (c) Finance Committee and City Council, approval for over \$10 000.
 - (d) The settlement of all claims processed under (a) and (b) above to be reported to City Council for information.

Note: In order to expedite the settlement of claims by outside solicitors and save claim costs due to delays, it is being requested that the above recommendation be approved.

This procedure would also be beneficial during the summer months when the Finance Committee and City Council only meet once a month.

Presently the Director of Public Works has City Council approval to authorize up to \$5 000. in other accounts under his auspices as does the Chief Administrative Officer have City Council approval for amounts up to \$10 000. Accordingly, to cut "red tape" and expedite the work by outside solicitors, it is being recommended that these same approval limits pertain to the settlement of claims.

- 4.
- (a) That a convention/reception grant to the Hamilton-Wentworth Police Association in the amount of \$500. representing the park rental fees at Globe Park for the 1988 Denis H. Williams Slo-Pitch Tournament 1988 July 23 to July 24, be approved.
 - (b) That this grant be funded from within the Grants Budget Account No. 0374-XXXX.

5. (a) That the major repairs for Fire vehicles nos. 1645 and 1648 be approved in the amounts of \$15 570.85 and \$10 405. respectively for a total cost of \$25 975.85.

 (b) That the cost of these major repairs be financed from the Reserve for Major Repairs, Account No. 0280-03 and be added to the total cost of vehicles for depreciation purposes.
6. That the Mayor and City Clerk be authorized to execute in a form satisfactory to the City Solicitor, the documents necessary to quit claim the City's right, title and interest in the property municipally known as 84 Emerald Street North pursuant to the Tax Arrears Certificate registered on 1984 August 28 as Instrument Number 290879 C.D.
7. That the \$2 500. estimated requirement to finance the cost of a school crossing guard at Inverness Avenue and Elcho Street, as approved by City Council by Section 62 of the Tenth Report of the Transport and Environment Committee, be funded from within the existing budget of the School Crossing Guard, or an overdraft basis if necessary.
8. That the estimated amount of \$28 400. required to fund the Advertising Account of the Human Resources Centre (City) to the end of 1988 be financed by means of an approved overdraft in the appropriate account of the Human Resources Centre to be offset by savings in staff costs of individual departments incurring the advertising expense.

Note: This item was approved by the Personnel Committee at its meeting held 1988 July 20.

Respectfully Submitted,

**ALDERMAN P. O. VALERIANO, CHAIRMAN
FINANCE COMMITTEE**

John Thompson, Secretary
1988 July 19
mjlw



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25070	YELLOW/JAUNE	BY2507
25071	BLACK/NOIR	BG2507
25072	BLUE/BLEU	BU2507
25073	R. BLUE/BLEU R.	BB2507
25074	GREY/GRIS	BD2507
25075	GREEN/VERT	BP2507
25077	TANGERINE	BA2507
25078	RED/ROUGE	BF2507
25079	X. RED/ROUGE X.	BX2507

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